Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Summary of Public Comments and DEQ Responses ("Summary of Comments")

Draft Virginia Water Protection (VWP) Permit No. 25-1277

December 4, 2025

This document provides a summary of the public comments received from the public comment periods, along with the Department of Environmental Quality (DEQ) responses to those comments, associated with the draft Virginia Water Protection (VWP) Individual Permit for the Transcontinental Gas Pipe Line Company, LLC Southeast Supply Enhancement Project (SSEP). DEQ has prepared a separate document relating to comments received on the tentative Upland 401 Water Quality Certification (Certification) for SSEP. These actions are considered controversial permits as defined by §§ 10.1-1184.1 and 62.1-44.15:81 of the Code of Virginia.

The SSEP is subject to five interconnected actions: i) the Federal Energy Regulatory Commission (FERC) environmental review associated with issuance of a Certificate of Public Convenience and Necessity; ii) the concurrent review and issuance of a Section 404 permit by the U.S. Army Corps of Engineers (USACE) and a Virginia Water Protection (VWP) permit by DEQ; iii) the DEQ review and approval of Erosion and Sediment Control and Stormwater Management Standards and Specifications (S&S) and plans; iv) DEQ review and processing of Clean Water Act (CWA) Section 401 Water Quality Certification requests; and v) a continuous in-stream monitoring program for selected Virginia streams along the SSEP right-of-way. These actions taken together provide DEQ with a reasonable assurance that the SSEP actions will comply with water quality requirements, will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

Background:

The purpose of the proposed project is to construct a forty-two (42)-inch diameter natural gas pipeline approximately 26.8 miles in length from the Virginia/North Carolina state line (36.541640, -79.633178) to Transco Village in Pittsylvania County, Virginia.

As part of SSEP, Transco also would add two (33,000 horsepower (HP) each) electric motor-driven (EMD) compressor units at Transco's existing Compressor Station 165, located in Pittsylvania County, Virginia. Compressor Station 165 will be limited to a total incremental output of 45,000 HP, thereby increasing the total certificated station output to 96,930 HP.

Pursuant to §§ 62.1-44.15:20 and 62.1-44.15:81 of the Code of Virginia and VWP Permit Program regulation 9VAC25-210, the DEQ coordinated this application review with the Virginia Department of Wildlife Resources (VDWR), Virginia Department of Conservation and Recreation (VDCR), Virginia Department of Agriculture and Consumer Services (VDACS), Virginia Marine Resources Commission (VMRC), and Virginia Department of Health (VDH). Multiple conditions were added to the draft permit and tentative certification, as applicable, to address agency comments.

DEQ Public Participation:

One public comment period occurred concurrently for the two DEQ actions from September 20 to November 10, 2025, and two public hearings were held in October 2025 in Pittsylvania County, Virginia. The public draft permit and tentative certification hearing notice was published in the Danville Register & Bee and to the Virginia Town Hall General Notices on September 20, 2025.

During the 52-day public comment period, DEQ received the following, approximate breakdown of comments which included duplicate commenters and petitions:

	Oppose		Support	
	Draft Permit	Upland Certification	Draft Permit	Upland Certification
Email/Mail	**18**	**16**	**9**	**9**
Petition*	2 (319 signatures)	2 (319 signatures)	1 (3284 signatures)	1 (3284 signatures)
Verbal-hearing	**7**	**8**	**6**	**6**
Total	**25**	**24**	**15**	**15**

*Included with Email/Mail count

Many comments received did not differentiate as to which pending DEQ action the comment applied; therefore, some comments are duplicated across both pending DEQ actions. All public comments received during public comment period and public hearings are part of the permit and certification records and have been considered. Several changes will be incorporated into the draft VWP Individual Permit No. 25-1277 as noted in the DEQ Summary of Comments. No changes are proposed to the tentative Upland 401 Water Quality Certification.

DEQ Summary of Comments for the Draft VWP Individual Permit - Southeast Supply Enhancement Project (SSEP):

1. Cumulative Impacts

Project would result in impermissible cumulative impacts – would contribute to violation of water quality standards. Transco and DEQ have not sufficiently characterized or evaluated/analyzed these impacts in its application, analysis is inadequate on a watershed-level and stream-by-stream scale changes to hydrology, channel form, and habitat condition, and for aquatic resources, including threatened and endangered species. Cumulative impacts for the streams and wetlands crossed by both projects and watersheds with multiple crossings could experience compounding negative effects that's double the impact. Transco's evaluation of HUC-12 watersheds is insufficient. Transco does not consider the cumulative impacts on those same streams and wetlands that both Mountain Valley Pipeline's proposed Southgate Pipeline and Transco's proposed Southeast Supply Enhancement Project (SSEP) would impact.

DEQ believes that cumulative impacts, including those associated with the Mountain Valley Pipeline Southgate (MVP Southgate) project, have been adequately considered. Transco's Joint Permit Application (JPA) included a Federal Energy Regulatory Commission (FERC) cumulative impact analysis for the Southeast Supply Enhancement Project (SSEP) titled *"Cumulative Impact Analysis Excerpt from [October 2024] Resource Report 1, FERC Docket No. CP25-10"* (FERC Report). Transco developed the FERC Report in accordance with the FERC's *Guidance Manual for Environmental Report Preparation*, which incorporates guidance from the Council on Environmental Quality (CEQ). The FERC Report cites CEQ regulations to define a cumulative impact as: "*The impact on the environment that results from the incremental impact of the Action when added to other past, present, and reasonably foreseeable future Actions regardless of what agency (Federal or non-Federal) or person undertakes such other Actions*."

Actions considered in the FERC Report met the following criteria:

- Affect a resource that may also be affected by the SSEP.
- Cause this impact within the SSEP area; or
- Cause this impact within the resource-specific geographic boundary where the SSEP will also have an impact; and
- Cause this impact within the same timeframe during which SSEP impacts may occur.

The FERC Report establishes resource-specific geographic scopes to align with ecological or jurisdictional boundaries, such as watershed boundaries for water resources or county lines for socioeconomic considerations. The FERC Report addresses cumulative impacts to ten resource types: Water Quality and Use, Vegetation, Wildlife, Cultural Resources, Socioeconomics, Geologic Resources, Soil Resources, Land Use including Recreation and Aesthetics, Air Quality and Noise. This response applies only to public comments received by DEQ that address the SSEP's potential cumulative impacts to water quality.

The FERC Report uses the resource-specific geologic boundary of Hydrologic Unit Code 12 (HUC 12) sub-watersheds crossed by the SSEP to assess cumulative impacts to water quality. This boundary has reasonable ecological relevance to define the study area within which other proposed or permitted projects and actions are assessed. In Virginia, the SSEP is located within the Roanoke River Basin, the Banister, and Upper Dan sub-basins, and crosses five HUC 12 sub-watersheds. Transco used publicly available information to identify other Actions[1] within these watersheds that overlap with the SSEP, including the proposed Mountain Valley Pipeline Southgate Amendment Project (MVP Southgate). Table 1.9-2 of the FERC Report lists Actions within the same HUC-12 watersheds crossed by the SSEP and summarizes their potential to contribute to cumulative impacts. Table 1.9-4 of the FERC Report provides a quantitative assessment of these Actions that have overlapping elements with the SSEP.

Of the Actions identified the FERC Report focuses on four that are expected to occur within the same timeframe and either overlap with, or are adjacent to, the SSEP:

- MVP's Southgate Amendment Project
- Transco's 2026NC Mainline B Restoration Project

[1] Per the FERC Report, to evaluate these potential impacts, Transco considered past, present, and reasonably foreseeable future major actions and other human-related activities (collectively referred to as "Actions") near the Project facilities.

- Transco's Lake Norman Project
- Enbridge's T15 Reliability Project.

Of these, only MVP Southgate is located in Virginia.

The FERC Report then presents a quantitative comparison between the SSEP and MVP Southgate in Table 1.9-3 showing cumulative impacts to surface waters and overlapping workspace estimates.

Supporting information provided by Transco provided supplemental quantitative cumulative impacts analysis addressing multiple crossings of the same surface water, and surface waters crossed by both the SSEP and MVP Southgate.

- White Oak Creek is the only stream in Virginia crossed multiple times, with cumulative impacts of 0.11 acres. These are temporary impacts and are 4.8 miles apart.
- Wetland W200-VA is crossed once by the SSEP (3.36 acres temporary impact) and is later disturbed by construction of the Permittee Responsible Mitigation (PRM) site (3.24 acres). The PRM site creates 5.28 acres of new wetlands and enhances 2.54 acres.
- Streams and Wetlands crossed by both SSEP and MVP Southgate – Transco notes that the SSEP results in no permanent impacts to streams or wetlands. The highest cumulative temporary impact is to White Oak Creek with 0.19 acres.

The FERC Report provides a qualitative analysis of cumulative impacts throughout the narrative and in supplemental submissions. The qualitative analysis finds that:

- Temporary impacts, such as those associated with the SSEP, are limited in duration and area.
- The SSEP will be constructed sequentially with MVP Southgate; however, construction for individual crossings will be constructed at different times, avoiding similar spatial locations.
- Per the U.S. Geological Survey (USGS) *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity in Southwestern Virginia, 2017-25* (2025 USGS Report), turbidity in flowing streams attenuates with time and distance, generally reaching background levels within 200 feet downstream of a crossing. See also DEQ's response number 4 (Water Quality).
- Short term turbidity spikes from construction activities are relatively minor

compared to natural storm events (2025 USGS Report). See also DEQ's response number 4 (Water Quality).

- The SSEP and MVP Southgate are providing 1:1 compensation for all wetlands permanently converted to a different Cowardin classification.
- All projects assessed for cumulative impacts to wetlands and streams must obtain permits and observe environmental controls including avoidance and minimization, impact restoration and/or compensation.
- Co-location of the SSEP and MVP Southgate in or adjacent to the existing Transco right-of-way to the extent practicable provides opportunities to coordinate construction activities and reduces the overall space required for work areas and other potential shared areas.
- All of the SSEP surface waters impacts are temporary and will be constructed sequentially rather than concurrently, allowing time for the attenuation of any minimal temporary discharges.
- No crossing exceeds the U.S. Army Corps of Engineer's (USACE) single and complete NWP-12 threshold of 0.5 acres of permanent loss of waters used by USACE to constitute "minimum adverse environmental effects."

The FERC Report and supplemental information summarize, "…*while cumulative impacts may occur due to overlapping geographic and temporal scopes, significant cumulative impacts are not anticipated*."

While federal National Environmental Policy Act (NEPA) regulations direct FERC to analyze cumulative impacts, there is no Virginia regulatory framework for DEQ to conduct such an analysis.

The concept of evaluating SSEP's total impacts to surface waters is found in Virginia's VWP regulation. Specifically, the regulation includes a definition of single and complete project (9VAC25-210-10). The determination of what constitutes a single and complete project drives the analysis utilized to decide whether compensation for surface waters impacts is required. In other words, the need to compensate for surface water impacts is based on the total impacts of a given project and the regulation defines how the totality of a project is evaluated to ensure surface water impacts are not fragmented and compensation avoided. The VWP regulations specifically define that for linear projects, the single and complete project (*e.g.*, a single and complete crossing) will apply to each crossing of a separate surface water (*e.g.*, a single water body) and to multiple crossings of the same water body at separate and distinct locations.

In addition to reviewing reports provided in each respective JPA, DEQ took shapefiles provided by the SSEP and MVP Southgate and created a series of figures showing crossings of each respective project and impacts side by side, evaluating and comparing every crossing for each respective project. DEQ's comment letters to both applicants considered impacts associated with both projects and included comments on avoidance and minimization measures.

There are numerous federal and state permitting and regulatory programs that apply to the SSEP. These include the Virginia Erosion and Stormwater Management Program (VESMP), which imposes the same substantive requirements on oil and gas projects as the Virginia Pollutant Discharge Elimination System (VPDES) permit program for stormwater from construction activities; the Virginia Water Protection (VWP) Permit Program and Section 404 of the Clean Water Act. Each of these regulatory tools individually requires protection of water quality for SSEP activities. Collectively these programs impose a number of technical requirements that are designed to avoid or minimize impacts to water resources.

To further eliminate any possible cumulative impacts, DEQ will include a condition in the VWP Individual Permit that prohibits concurrent construction of open cut stream crossings at any stream crossings with flowing water that are being conducted within 200 linear feet of each other.

See also DEQ's response number 7 (Erosion and Stormwater Management).

2. Crossing Methodologies

Proposed use of dry-ditch, open-cut crossings is contrary to avoiding and minimizing impacts to maximum extent practicable. The dry-ditch, open-cut crossings of 70 stream crossings in Virginia that Transco proposes are highly destructive of the aquatic environment and release sediment and pollution into local waterways. Application largely treats these impacts as temporary, overlooking and inappropriately minimizing how these activities - clearing vegetation, dewatering, backfilling trenches, heavy equipment crossings, and establishing permanent easements - interact to create long-term, sometimes irreversible impacts to stream morphology, water quality, and aquatic habitat. Transco's various assertions that the impacts from open-cut crossings are limited in extent and short in duration and only create temporary disturbances for the duration of construction are plainly contrary to the scientific evidence. Transco has arbitrarily dismissed and failed to consider less impactful, trenchless crossing methods. Sedimentation from Transco's open cut crossings and upland activities will harm water quality and aquatic life. Transco's

analysis lacks field-verified geotechnical information for the vast majority of its proposed open-cut crossings.

DEQ believes that crossing methodologies have been adequately considered. Temporary impacts mean impacts to wetlands or other surface waters that do not cause a permanent alteration of the physical, chemical, or biological properties of surface waters or the permanent alteration or degradation of existing wetland acreage or functions (see 9VAC25-210-10). Temporary impacts include activities in which the impact area is restored to its preconstruction elevations and contours with topsoil from the impact area where practicable, such that previous wetland acreage and functions or surface water functions are restored. DEQ will include a condition in the VWP Individual Permit that requires Transco to reimburse DEQ for the costs of hiring third-party inspectors to provide daily inspection activities along the construction right-of-way and ensure compliance with permit conditions as well as erosion and control and stormwater measures. This is authorized by Virginia Code § 62.1-44.15:31.F which states that DEQ "*shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, including Standards and Specifications (S&S) review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations*." Should the SSEP experience outcomes that warrant compliance action, DEQ will take any actions allowable by the State Water Control Law and/or applicable DEQ regulations.

DEQ will include a special condition in the VWP Individual Permit that requires Transco to develop, submit and implement a Restoration Framework. This framework will include but will not be limited to criteria for successful restoration of temporary impacts, a monitoring schedule to document success criteria, and a corrective action strategy for wetlands and streams that do not meet success criteria.

In the Joint Permit Application (JPA), Transco provided a Pipeline Installation Alternatives Analysis (PIAA) that includes horizontal directional drilling (HDD) design reports and descriptions of open cut, HDD, the conventional bore crossing methods. Transco also included in its JPA a table providing relevant considerations for each stream and wetland crossing. The descriptions noted limitations, standard practices, length considerations, duration, inadvertent returns (HDD), groundwater considerations, geologic considerations, workspace considerations, bore pits (conventional), proximity to existing infrastructure, and cost that may drive the selection of crossing methods. Based on the analysis provided, two HDD crossings were proposed in Virginia, with the remaining crossings proposed as open cut. In the PIAA, Transco included a Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plan. DEQ used shapefiles

provided by the SSEP and the MVP Southgate Amendment Project (MVP Southgate) to create a series of draft figures showing their crossings and impacts side by side, evaluating and comparing every crossing for each respective project. Differences in crossing methods were noted at eight locations. Five crossings were at portions of the alignments that were proximate to each other; three were at sections where the proposed alignments diverged.

DEQ requested additional information in the second comment letter of July 15, 2025, that included details about industry standards, supplemental rationale for certain crossings, longitudinal drawings for eight crossings, avoidance and minimization of multiple crossings in regard to further consideration of HDD and combining of road crossings with stream/wetland crossings, and provision of geotechnical data for three (3) crossings of the eight crossings to support Transco's conclusion that open cut crossing method is not feasible. Additionally, DEQ asked about the possibilities of HDD crossings, conventional bore or HDD crossings that would combine wetlands and stream crossings with roadway crossings or combined wetland and streams at eight additional locations. In their August 6, 2025, response letter, Transco provided a detailed table (PIAA – Appendix A; revised Comment Letter 2 response) that lists considerations for each of the eight stream crossing and lists the crossing method decision rationale. Transco also provided descriptions that noted industry standards for conventional bores, internal standards that focused on steering limitations, safety requirements, a table from the National Utility Contractors Association (NUCA) regarding suitability under different ground conditions, and the requested additional geotechnical information at aforementioned three locations. Additionally, Transco provided justifications based on aforementioned limitations and considerations supporting their selection methods, as well as descriptions regarding feasibility and constructability at these additional locations to support the proposed open cut method as the LEDPA.

On August 26, 2025, DEQ sent an email to Transco requesting supplemental information regarding the NUCA industry standard of approximately 600 feet in length for a conventional bore in comparison the stated 300-foot limit in the comment response. Transco responded via email on August 27, 2025, providing rationale for the 300-foot limitation that notes the NUCA manual also references ground and size dependent considerations, Pipeline Resource Council International report (PRCI Report), and steering limitations. Transco noted other considerations included the steering capabilities of the auger boring equipment and the ability to control and steer the boring head; and encroaching closer to the existing in-service pipelines in its evaluation to limit conventional auger bores to 300 feet.

Regarding the use of novel methods, Transco notes that microtunneling and Direct Pipe are trenchless crossing methods having significant logistical challenges including extensive workspace layouts for shafts and pipe stringing areas; significantly longer construction duration; limited equipment and contractors capable of performing these crossings; substantially higher costs; and additional noise impacts and therefore were determined as not practicable.

Transco also notes that Guided Conventional Boring relies on an initial pilot hole and has fundamental limitations due to bore pit depth, workspace considerations, soil and geologic conditions, as well as groundwater considerations, and infeasibility of the conventional bore method following the pilot tube. This method is severely limited by soil conditions, and the risk of inadvertent returns with this method is high. Transco did not identify any features where the guided component of the conventional bore method would make a conventional bore feasible or practicable, if it was already deemed infeasible for other reasons.

DEQ accepted the rationale provided by Transco based on the information provided regarding industry standards, Transco's professional engineering practices or methodologies, and practicability as established in the alternatives analyses tables/narratives.

Several commenters noted the impact of open cut crossings, their designation as temporary impacts, and long-term water quality impacts.

DEQ in cooperation with the U.S. Geological Survey (USGS) deployed real-time continuous stream monitoring stations upstream and downstream of six Mountain Valley Pipeline stream crossings in southwestern Virginia. Based on DEQ's review of the results in the USGS *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity in Southwestern Virginia, 2017-25* (2025 USGS Report), construction did not affect long-term or short-term upstream-to-downstream water temperature conditions and pipeline stream crossing construction did not affect long-term upstream-to downstream turbidity conditions in all six monitored streams. Short-term anomalously elevated turbidity conditions were observed and attributable to pipeline stream crossing construction; however, the duration and magnitude were not sufficient to alter the long-term turbidity regime of the streams in which they were observed. See also DEQ's response number 4 (Water Quality).

See also DEQ's response number 7 (Erosion and Stormwater Management).

3. Species and Wildlife

Transco's open cut crossings and upland activities will deposit massive quantities of sediment into state waters, harming aquatic life in violation of state law. Transco has failed to adequately assess the potential cumulative impacts on aquatic resources, including threatened and endangered species such as the James spinymussel and Atlantic pigtoe mussel. The Virginia Department of Conservation and Recreation (DCR) recommended implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations for the Roanoke logperch – Transco's proposal does not at all comply with these laws and regulations. Time of year restrictions (TOYR) set forth in the draft VWP permit for some species will not adequately protect aquatic life.

Regarding Transco's proposed use of dry-ditch, open-cut crossings, the DEQ draft VWP Individual Permit does not authorize an incidental take of any listed species and requires coordination with the U.S. Fish and Wildlife Service (USFWS) regarding federally listed species.

As noted in FERC's October 2025 Environmental Assessment (EA), as the lead federal agency authorizing the SSEP, FERC is required to consult with USFWS to determine whether federally listed endangered or threatened species or designated critical habitat are found in the vicinity of the SSEP, and to evaluate the proposed actions potential effects on those species and/or critical habitat. Although proposed species under review and proposed critical habitat do not receive federal protection through the Endangered Species Act (ESA), FERC considered the potential effects on these species and habitats so that Section 7 consultation could be facilitated if one or more of these species become listed before or during construction. Regarding federal species, FERC and USFWS are engaged in ongoing consultation. FERC recommended that construction not begin until ESA consultation is complete, and Transco is currently consulting with USFWS (ongoing). DEQ added a special condition to the draft VWP Individual Permit that requires Transco to provide the results of coordination with USFWS and adhere to recommendations made by the USFWS, including time-of-year restrictions, monitoring, avoidance and minimization measures, mitigation, etc. DEQ expects that measures recommended by the USFWS will be relevant to the federal permitting and licensing actions for the SSEP.

DEQ consulted with the Virginia Department of Wildlife Resources (DWR) and the Virginia Department of Conservation and Recreation (DCR) – and Virginia Department of Agriculture and Consumer Services (VDACS) via memorandum between DCR and VDACS - regarding potential impacts to aquatic resources. These agencies are responsible for implementing state regulations to provide due protection to species under their respective authorities and employ professionals to carry out such authorities. Comments from these

agencies were considered and conditions were developed for the draft VWP Individual Permit. Transco accepted the conditions in the draft permit and agreed to abide by the recommended measures, including those required by the Virginia Erosion and Stormwater Management Program regulations.

Transco has also agreed to avoidance and minimization measures for the protection of species. This includes but is not limited to applying time-of-year restrictions for certain resources that may support warm water fish spawning and implementation of trenchless construction methods at the Sandy and Banister Rivers. The SSEP as proposed does not present a significant loss of resource function or value to special aquatic sites, given the proposed restoration and post-construction monitoring that will document and address any instance of more than minimal loss resulting from the SSEP, should any arise.

DWR and DCR recommended the following measures to reduce sedimentation:

The SSEP's design minimizes disturbance to aquatic life and habitat and protects water quality by collocating the proposed pipeline with Transco's existing pipeline system to the extent practicable, with few exceptions. Transco has proposed a route where the landscape has already been disturbed and restored versus incurring additional disturbance in new areas. As to effects on the aquatic ecosystem, individual fish and aquatic creatures, and the structure and function of streams and wetlands, which supports the notion that dry-ditch, open-cut crossing impacts are limited both temporally and geographically. In addition, the SSEP will employ measures to minimize potential adverse impacts of the SSEP on aquatic ecosystems, including best management practices (BMPs) to minimize erosion and sedimentation and mitigation for unavoidable impacts.

The following measures were recommended to reduce potential impacts to habitat:

DWR provided a table entitled *Virginia Time of Year Restrictions — Southeast Supply Enhancement Project — Eden Loop* that lists time-of-year restrictions for surface waters for general warmwater fisheries (spawning) at designated stream crossings.

DWR concurs with the proposed avoidance and minimization efforts provided in the JPA. The Dan River is designated a Threatened and Endangered Species Water due to the presence of federal proposed state threatened green floater, federal proposed state endangered James spinymussel, and federal proposed state threatened Atlantic pigtoe. The stream crossings associated with this SSEP have been reviewed and mussel surveys performed where necessary, resulting in no mussels being found. As the SSEP does not intersect tributaries within one mile of the Dan River and no work will occur in the Dan River

in Virginia, DWR does not anticipate the SSEP to result in adverse impacts upon listed freshwater mussels.

DWR concurs with Transco's Waiver Requests and TOYRs as presented in the "DWR TOYR/Request" column. DWR supports this table's inclusion in the final VWP permit and recommends minimizing deforestation impacts by placing the SSEP within existing disturbed utility corridors or areas already in early successional condition.

DCR recommends adhering to time-of-year-restrictions (TOYR) for tree removal for the protection of tri-colored bats. Due to the legal status of the tri-colored bat, DCR recommends coordination with the DWR, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (§§ 29.1-563 – 570 of the Code of Virginia). DCR also recommends continued coordination with the USFWS for federally listed species including bats.

DCR also supports development of contingency and emergency plans for horizontal directional drilling, spill response, hydrostatic testing, and dewatering. Suitable habitat for the Roanoke logperch may occur in the SSEP area, and DCR supports DWR's in-stream work restrictions from March 15 to June 30 where applicable.

DEQ added permit conditions to the draft VWP Individual Permit related to DCR's TOYR for tree clearing; TOYR for the logperch; and recommendation to develop an invasive species inventory for the proposed PRM site based on the 2024 DCR Invasive List (https://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2024.pdf). Transco will also be required by the DEQ and USACE to develop and use of an adaptive management plan for the control of invasive species at the PRM site.

See also DEQ's response number 4 (Water Quality).

4. Water Quality / Uses / Water Supply

a. Water quality, uses

The Draft VWP permit fails to provide assurance that Virginia water quality standards (WQS) and other requirements of state and federal law will be met for the covered activities - DEQ must analyze: 1) the effectiveness of the planned construction and pollution control methods to protect waters under a range of conditions that may be expected to be present during pipeline construction and restoration of disturbed areas; 2) the likelihood that Transco can and will implement those construction and pollution control plans faithfully and consistently; and 3) the effectiveness of DEQ in enforcing the requirements, ensuring any failures are corrected swiftly, and that any

systemic problems that arise will be addressed through systemic solutions, rather than on a piecemeal basis. Proposed project would result in violations to water quality standards and Virginia's antidegradation policy. and designated uses. Transco's open cut crossings and upland activities will harm water quality of Banister River, Sandy River, Dan River, and Cherrystone Creek. Transco has failed to minimize adverse impacts to streams and wetlands. The Dan River is an important source of recreation for both this community and our neighbors in North Carolina.

The SSEP is subject to five interconnected actions: i) the Federal Energy Regulatory Commission (FERC) environmental review; ii) the concurrent review and issuance of a Section 404 permit by the U.S. Army Corps of Engineers (USACE) and a Virginia Water Protection (VWP) permit by DEQ; iii) the DEQ review and approval of Erosion and Sediment Control and Stormwater Management Standards and Specifications (S&S) and plans; iv) DEQ review and processing of Clean Water Act (CWA) Section 401 Water Quality Certification requests; and v) a continuous in-stream monitoring program for selected Virginia streams along the SSEP right-of-way. These actions taken together provide DEQ with a reasonable assurance that the SSEP actions will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

The U.S. Environmental Protection Agency (EPA) has promulgated regulations that outline the process for providing Section 401 water quality certification at 40 C.F.R. Part 121. This regulation states that the certification shall, among other elements, include a statement the activity will comply with water quality requirements. EPA's regulation authorizes DEQ to provide a statement of any conditions which it deems necessary or desirable with respect to the discharge of the activity and, very broadly, DEQ can include other information as it may determine to be appropriate.

A permit addresses future events; therefore, it is inherently predictive in nature and absolute certainty is not required. A state may add conditions to a permit that the state deems necessary or desirable with respect to the discharge of the activity, and the state may rely on these conditions to make a finding that the activity will comply with water quality requirements. Conditions applied in the draft VWP Individual Permit, if complied with, provide reasonable assurance that water quality and beneficial uses will not be adversely affected by the proposed temporary crossings, regardless of the number of crossings or methodology. Additionally, Transco provided and will implement the Transco Plan and Procedures in the JPA, the approved Erosion and Sediment Plan(s), and best management practices during and after the SSEP's construction to ensure activities are conducted in accordance with required permits.

In Virginia, the Standards and Specifications (S&S) program imposes the same technical and engineering requirements that would be required under DEQ's Virginia Pollutant Discharge Elimination System (VPDES) Construction General Permit (9VAC25-880-1 *et seq.*)[2]. In the 2022 Environmental Protection Agency (EPA) Fact Sheet for its construction general permit, EPA stated in Part 3.1 of the 2012 permit, that in the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards (which include State antidegradation requirements). Transco is required to have approved Virginia Erosion and Sediment Control (VESC) and Stormwater Management (SWM) plans that meet regulatory requirements to protect water quality. DEQ has determined that compliance with the Standards and Specifications approval generally is sufficient to satisfy Tier 2 and Tier 3 antidegradation requirements because the controls will not result in a lowering of water quality, making individualized Tier 2 or Tier 3 review unnecessary.

Virginia water quality standards consist of statements that describe water quality requirements and include: designated uses, water quality criteria, and an antidegradation policy. Virginia has adopted water quality standards to protect existing high-quality waters and to provide for the restoration of all other state waters to permit reasonable public uses and will support the growth of aquatic life.[3]

Virginia's antidegradation policy, outlined in 9VAC25-260-30, protects the quality of surface waters. It ensures that existing uses of water bodies are maintained and protected, and that high quality waters exceeding standards are preserved unless a compelling reason to lower water quality is demonstrated. Aesthetic impacts will be minimized by co-location with the existing right-of-way (ROW) to the extent practicable, and while there will be temporary visual impacts during construction from equipment and control measures, Transco does not anticipate long-term effects on aesthetics from the SSEP. While aesthetics is not a review criterion for compliance with the Virginia Water Protection Permit (VWP) Program Regulation, erosion and stormwater management plans were reviewed and approved in accordance with 9VAC25-875 and the Virginia Stormwater Management Handbook. Several meetings were held with project consultants throughout plan review to ensure proper controls of sedimentation and compliance with these standards. Transco, by performing crossings in compliance with construction procedures, best management

[2] By an order dated April 10, 2017, the Richmond Circuit Court upheld the 2014 Construction General Permit and dismissed an appeal, finding that the Board acted in accordance with law and that there was substantial evidence in the record to support the Board's determination that proper implementation of permit conditions, including inspections and corrective action, would protect water quality.
[3] See Va. Code § 62.1-44.15(3a); 9VAC25-260.

practices, and DEQ's permit conditions, will meet the policy and prevent long-term, permanent effects to water quality and uses of Virginia waters. The Virginia Department of Conservation and Recreation (DCR) did not provide any recommendations regarding recreational activities along the SSEP route.

Crossing methods were evaluated by DEQ on the merits of potential permanent and temporary impacts and conditions were developed to address that potential. DEQ reviewed each proposed individual stream and wetland crossing in consideration of the avoidance and minimization documented in the Joint Permit Application (JPA) - including projected installation times, location in already-disturbed utility easements, and restoration of each individual stream and wetland crossing to original condition - and accepted Transco's supporting information and documentation provided in at least two additional information responses with regards to avoidance and minimization of surface water impacts. While proposed for several waters crossings, a trenchless crossing of Cherrystone Creek was determined impracticable by Transco based on deep bore pit installation requirements and/or significant sloping and benching, requiring a larger construction footprint; extensive dewatering that would be necessary; and soil conditions that can lead to ground surface and stream bed subsidence.

Some comments are tied to the prediction of water quality impacts. However, during construction of MVP Mainline, two critical studies were conducted with the express purpose of answering whether pipeline construction impacted water quality.

The first of these studies was a U.S. Geological Survey (USGS) continuous monitoring study that monitored water quality at six stream crossings for the Mountain Valley Pipeline Mainline (natural gas pipeline) project in southwestern Virginia from 2017 to 2025. DEQ, in partnership with scientists from the U.S. Geological Survey (USGS) and Virginia Commonwealth University (VCU), conducted water quality monitoring at a number of proposed Mountain Valley Pipeline stream crossings before, during and after pipeline construction activities. Monitoring included identification of benthic macroinvertebrate and fish community assemblages; quantitative physical habitat assessment; and real-time, continuous water quality monitoring for turbidity, temperature, specific conductance, dissolved oxygen and pH. To establish an inventory of baseline, pre-construction water quality conditions in the streams of interest, monitoring began in the fall of 2017. Scientists also conducted monitoring for turbidity, temperature, specific conductance, dissolved oxygen and pH during and after pipeline construction activities and will conduct additional monitoring for benthic macroinvertebrates, fish and quantitative physical habitat assessment once construction is complete. The water quality

monitoring data enabled DEQ to evaluate physical, chemical, and aquatic life conditions over time at the identified project stream crossings.

- The USGS published its findings in report entitled *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity in Southwestern Virginia, 2017-25* (2025 USGS Report)[4].

  The six perennial stream monitoring sites were selected based on factors including the presence of threatened or endangered species, proximity to exceptional state waters (Virginia Tier III waters), high ecological integrity, public water supplies, and suitable water flow (Virginia Administrative Code 9VAC25-260-30). The sites varied in watershed area, elevation, and proximity to the pipeline crossing construction activities.

  Researchers placed real-time continuous stream monitoring stations upstream and downstream of each crossing to measure water temperature and turbidity before, during, and after pipeline construction. The "before" period includes all dates from the establishment of the monitoring station up to the day prior to stream crossing construction (2,123 to 2,289 days). The "during" period includes the pipeline stream crossing construction and the immediate post-crossing restoration work (12 to 208 days). The "after" period is at least one-year post-stream crossing construction (366 to 595 days). Continuous water quality data were measured at five-minute intervals for water temperature, specific conductance, pH, dissolved oxygen, and turbidity.

  Results showed that the MVP Mainline stream crossing construction did not affect long-term or short-term water temperature conditions at any of the six sites. Similarly, results from the analysis of the high-frequency turbidity data at all six stream crossing sites did not show evidence of long-term, persistent effects from pipeline crossing construction. The upstream-downstream comparative study observed some short-term anomalous water temperature and turbidity conditions but suggested overall water temperature and turbidity regimes over the entire monitoring period remain consistent. This seven-year study found no evidence that

[4] DEQ, 2025, *Mountain Valley Pipeline Stream Crossing Monitoring Report*; DEQ, 2017, Monitoring Plan: *High-priority stream crossings along the proposed Atlantic Coast (ACP) and Mountain Valley (MVP) pipelines* (https://www.deq.virginia.gov/home/showpublisheddocument/10460/637647225952070000); USEPA, 1999, *Rapid Bioassessment Protocols for Use in Wadeable Streams and Rivers,* Office of Water, EPA/841/B-99/002; USGS, 2025, *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity on Southwestern Virginia, 2017-25*, (https://www.usgs.gov/publications/assessment-natural-gas-pipeline-construction-stream-temperature-and-turbidity).

pipeline stream crossing construction significantly changed overall water temperature or turbidity conditions at the monitored locations.

The second was a study that DEQ partnered with Virginia Commonwealth University (VCU) to survey fish communities, benthic macroinvertebrates, and both in-stream and riparian zone habitat upstream and downstream of the crossings before construction (Fall 2017 and Spring 2018) and after construction (Spring 2025 and Summer 2025).

- DEQ partnered with Virginia Commonwealth University (VCU) to survey fish communities, benthic macroinvertebrates, and both in-stream and riparian zone habitat upstream and downstream of the crossings before construction (Fall 2017 and Spring 2018) and after construction (Spring 2025 and Summer 2025) (https://www.deq.virginia.gov/home/showpublisheddocument/32496/639001931736170000). From six stream crossings, twelve sites were selected based on the presence of threatened or endangered species, high ecological integrity, proximity to exceptional state waters, or public water supplies.

  In a 2025 report on the survey, VCU's study found no conclusive evidence that pipeline construction activities caused degradation to aquatic communities or habitats at the study sites. Fish community structures at three stream crossings were similar before and after construction, with no evidence that the pipeline altered sensitive fish populations. Macroinvertebrate surveys likewise showed no evidence of aquatic life degradation associated with construction.

  - Most sites maintained healthy Virginia Stream Condition Index (VSCI) scores above 60 after construction. Lower scores at one crossing site (Sinking Creek) were attributed to black fly populations present both upstream and downstream, while another site (the Roanoke River downstream site) showed habitat degradation that predated pipeline construction. At three crossing sites (one on Little Stony Creek and two on Bottom Creek), fish community structures were similar before and after construction. Notably, Brook Trout - a species sensitive to environmental changes - remained present or even increased at several sites.

  - Using the Rapid Bioassessment Protocol, most sites scored in the optimal range post-construction. Sites that scored lower had similar or worse conditions before construction began. One site (the downstream site on Bottom Creek – Lower Crossing) did show a decline from optimal to fair habitat quality, which was due to natural variability in stream systems. One crossing site (Little Stony Creek) maintained optimal sediment conditions throughout. Some

sedimentation was noted at Bottom Creek sites, but this predated pipeline construction and aquatic communities appeared resilient.

- In Spring 2018, the total habitat score at the downstream site on Bottom Creek – Lower Crossing was 153. In Spring 2025, the total habitat score for this crossing was 146. Habitat scores above 150 indicate habitat conditions favorable for supporting a healthy aquatic community and are considered optimal. Scores lower than 120 are considered suboptimal (indicating a higher probability of stress) and scores between 120 and 150 are fair (DEQ 2017, USEPA 1999). This decrease in score is within the range of natural variability. Based on the fish community collected at this crossing and its high Virginia Stream Condition Index (VSCI) score of 74.55, the Bottom Creek – Lower Crossing can support a robust aquatic community.

Overall, water quality in Virginia has improved in recent years. As part of DEQ's Water Quality Assessment process, monitoring results are analyzed to determine if the water quality meets set standards and is clean enough for swimming, fishing and other uses. Virginia's comprehensive surface water quality monitoring strategy integrates both fixed-site (i.e., conventional) and probabilistic monitoring techniques to improve understanding of water quality conditions. Results of the most recent Water Quality Assessment, which are published in the Final 2024 305(b)/303(d) Water Quality Assessment Integrated Report, provide a summary of the water quality conditions in Virginia from January 1, 2017, to December 31, 2022. The results in the integrated report demonstrate overall trends in state waters and prompt action, including development of total maximum daily loads for waters that do not meet water quality standards.

Based on DEQ's review, the proposed activities and supporting information are consistent with DEQ requirements for avoidance and minimization of all aquatic resource impacts, including special aquatic sites. The comprehensive, multi-year monitoring and assessment efforts conducted by the USGS/DEQ and VCU/DEQ provide a thorough evaluation of the environmental impacts of the MVP Mainline stream crossings in southwestern Virginia. DEQ has also noted that no areas downstream of the MVP Mainline project have become listed for water quality impairments since that project was completed. Together, these findings suggest that, under the conditions and mitigation measures applied during the construction of the MVP Mainline project, stream crossing activities did not result in measurable long-term degradation of water quality or aquatic ecosystems at the monitored sites.

DEQ will include a condition in the VWP Individual Permit that requires Transco to fund continuous monitoring by the U.S. Geological Survey at specified stream crossings.

See also DEQ's response number 7 (Erosion and Stormwater Management).

b. Water supply

Crossings would threaten public drinking water sources, including the Banister River, Sandy River, Cherrystone Creek, and the Dan River. SSEP crossing Cherrystone Creek means disturbing a drinking water source for the channel. Concerns that the drinking water, farms and livelihoods of those along the proposed route could be negatively impacted.

According to the Environmental Assessment (EA) prepared by the Federal Energy Regulatory Commission (FERC) (see pages 16-17), 20 private water supply wells are within 150 feet of the construction workspace for the SSEP. Transco would protect all wells within construction workspace by installing signage and orange safety fencing at a 5-foot offset around the wells. If a water well is damaged as a result of Transco's construction activities, Transco would provide a temporary source of water, repair or replace damaged wells and/or compensate the owner. Transco has provided a water supply well and spring testing plan to monitor any potential effects to wells and springs, including any beyond those identified in the EA.

The Virginia Department of Health (VDH) Office of Drinking Water reviews projects for the potential to impact drinking water sources (groundwater wells, springs, and surface water intakes) serving waterworks. VDH administers the Virginia Waterworks Regulations (12VAC5-590) governing waterworks operation and construction, and has primacy for the National Primary Drinking Water Regulations (40 CFR § 141) and implements the National Secondary Drinking Water Regulations (40 CFR § 143). VDH finds that there are no public groundwater wells within a one-mile radius of the [SSEP] site and that the [SSEP] is not within the watershed of any public surface water intakes. VDH reports that the following surface water intake is located within a 5-mile radius of the SSEP: PWS ID Number 5143114, CHATHAM, TOWN OF CHERRYSTONE CREEK INTAKE. VDH recommends Best Management Practices (BMPs) should be employed, including erosion and sedimentation controls and spill prevention controls and countermeasures on the SSEP site, and that materials be managed while on site and during transport to prevent impacts to nearby surface water. VDH also notes that potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

DEQ staff twice consulted with the Virginia Department of Health (VDH) regarding water supply aspects of the proposed activities. VDH replied that it had no comments. The

proposed temporary crossings are not within any water supply reservoir. Water supply intakes in the area include: 1) upstream just west of Chatham, approximately 6 miles from the closest SSEP line point; 2) the Gretna intake, upstream of the northern SSEP line terminus by approximately 13 miles; 3) the Altavista intake is approximately 25 miles upstream of the northern SSEP line terminus; and 4) the Danville intake approximately 25 miles downstream from the northern SSEP line terminus and approximately 9 miles downstream and east, nearly to the southern SSEP line terminus. These water intakes are part of the County and/or City's water treatment works, meeting rigorous inspections and compliance requirements for treating water for human consumption. If complied with, the VWP Individual Permit provides conditions to minimize impacts to the water column from sedimentation and take all required measures to reduce such sedimentation should it occur.

The SSEP will source any needed water supply from municipalities. The Pittsylvania County Department of Public Works provides water and sewer services to certain areas of the County outside of the City of Danville and outside of the Towns of Chatham, Hurt, and Gretna. Public Works has contracts to purchase bulk water from the City of Danville, the Henry County Public Service Authority, the Town of Chatham, and the Town of Hurt. The other four water systems are served by wells. The 2022 Pittsylvania County Water and Wastewater Master Plan (PDF) provides the County with a comprehensive overview of its water distribution and wastewater collection system and needs and serves as a guide to assist the County with meeting the needs of its citizens on a short-term (5-year), mid-term (10-year), and long-term (20-year) basis. Danville, Chatham, Hurt, and Gretna service their jurisdictions via water intakes, reservoirs, purchased water, or a combination thereof.

5. Violations / Compliance

Proposed project would result in violations to water quality standards. How will liability be determined if a violation or sediment plume occurs? Without specific analysis of baseline conditions, or monitoring during and post-construction, neither Transco nor the Department can properly quantify the damage from the project's stream crossings and the cumulative impacts of the project. DEQ must consider Transco's history of non-compliance with water quality standards - long history of water quality and other environmental and safety violations during construction and operation of pipelines and other facilities in other states. SSEP will only increase flooding issues. Please require enhanced spill prevention/response planning, well-defined stop-work thresholds, and post-construction water-quality monitoring upstream/downstream of crossings.

Violations incurred by other projects in the Commonwealth do not predict violations of water quality or impacts to water resources, uses, human health, or aquatic wildlife that may occur during the construction of the SSEP. Violations of erosion and sediment control measures do not always equate to actual violations of water quality standards. Many violations can involve administrative requirements or maintenance of controls. Transco's most recent Virginia project, the 2025 Commonwealth Energy Connector (CEC) constructed in Brunswick, Mecklenburg, and Greensville Counties - and received no notices of violation.

DEQ will include a condition in the VWP Individual Permit that requires Transco to reimburse DEQ for the costs of hiring third-party inspectors to provide daily inspection activities along the construction right-of-way and ensure compliance with permit conditions as well as erosion and control and stormwater measures. This is authorized by Virginia Code § 62.1-44.15:31.F which states that DEQ "*shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, including Standards and Specifications (S&S) review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations*." Should the SSEP experience outcomes that warrant compliance action, DEQ will take any actions allowable by the State Water Control Law and/or applicable DEQ regulations.

In addition, DEQ will include a condition in the VWP Individual Permit that requires Transco to fund continuous monitoring by the U.S. Geological Survey at specified stream crossings.

See also DEQ's response number 4 (Water quality).

See also DEQ's response number 7 (Erosion and Stormwater Management).

6. DEQ Analyses / Procedures / Mitigation

Transco has arbitrarily dismissed and failed to consider less impactful, trenchless crossing methods. Transco has failed under the VWP regulations to first avoid and then minimize impacts to state waters to the maximum extent practicable in accordance with the 404 Guidelines. Compensatory mitigation requirements set out in the draft permit only address wetland impacts. Stream and wetland impacts are not fully characterized and so cannot be fully evaluated - they are characterized are inaccurately as temporary - the compensatory mitigation plan cannot meet the VWP Permit regulation's requirements. DEQ and Transco have not done a thorough job of analyzing the negative effects the pipeline will have on streams and wetlands. Neither FERC's nor DEQ's analyses have adequately considered the combined impacts from

the two projects. Williams Transco has not been required to provide an environmental impact assessment of this project. The environmental record on MVP is pertinent to DEQ's decisions because the conditions proposed in the draft WQC and VWP for SSEP are essentially the same as those required for MVP and DEQ's enforcement approach is expected to be the same.

Based on DEQ's review of the SSEP Joint Permit Application (JPA) package and responses to additional information, in accordance with statutory and regulatory timelines and procedures, conditions were developed for the draft VWP Individual Permit to address water quality protection. The conditions in the draft VWP Individual Permit impose requirements that enhance other DEQ program requirements being applied to the SSEP as well as many other requirements by other state and federal entities, including but not limited to the U.S. Army Corps of Engineers' (USACE) Section 404 permit programs and the Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:24 *et seq*. of the Code of Virginia).

Sections 62.1-44.15:21 and 62.1-44.15:81 of the Code of Virginia do not allow changes to approved siting determinations made by the Federal Energy Regulatory Commission (FERC) or State Corporation Commission (SCC) for any natural gas transmission pipeline that is greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (NGA)(15 U.S.C. § 717f(c)). FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the NGA and the lead federal agency for preparation of the Environmental Assessment (EA), in accordance with the requirements of the National Environmental Policy Act (NEPA) and FERC's implementing regulations. If a proposed action does not fall within a categorical exclusion, FERC must prepare an EA to determine whether the action has the potential to result in significant environmental effects. FERC released its EA for the SSEP on October 31, 2025, which concludes that approval of the SSEP would not constitute a major federal action significantly affecting the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS), including analysis of alternatives, description of the affected environment, and discussion of the environmental consequences, is not required. DEQ expects FERC to issue the subsequent Finding of No Significant Impact (FONSI) in the near future. Under section 7(c) of the NGA, FERC determines whether interstate natural gas transportation facilities are at the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. *FERC may include conditions in licenses and certificates to enhance public safety and to protect the environment*.

DEQ assesses VWP Permit applications for whether the application demonstrates that alternatives were evaluated and that the proposed alternative is demonstrated to be the Least Environmentally Damaging Practicable Alternative (LEDPA) for any given project. Although Virginia Statute § 62.1-44.15:21.J.1 requires that DEQ conduct an individual review only for waterbody crossings with a drainage area greater than 5 square miles (3,200 acres) – a total of six streams for SSEP - DEQ has reviewed each crossing in Transco's JPA (60 wetland crossings; 60 stream crossings; and one pond/open water crossing).

The concept of evaluating a project's total impacts to surface waters is found in Virginia's VWP regulation. Specifically, the regulation includes a definition of single and complete project (9VAC25-210-10). The determination of what constitutes a single and complete project drives the analysis utilized to decide whether compensation for surface waters impacts is required. In other words, the need to compensate for surface water impacts is based on the total impacts of a given project and the regulation defines how the totality of a project is evaluated to ensure surface water impacts are not fragmented and compensation avoided. The VWP regulations specifically define that for linear projects, the single and complete project (*e.g.*, a single and complete crossing) will apply to each crossing of a separate surface water (*e.g.*, a single water body) and to multiple crossings of the same water body at separate and distinct locations.

DEQ staff conducted a review of on-site and off-site alternatives provided in the JPA per the complete application requirements of 9VAC25-210-80.B.1.g. and if applicable, 9VAC25-210-340.B. The JPA provided documentation demonstrating the evaluation of alternatives to the proposed SSEP, including a no-build alternative, no action (no permit), evaluation of alternative energy sources, natural gas transportation alternatives (e.g., rail, truck), system alternatives, pipeline route alternatives, and compressor station alternatives. Two requests for additional information were made by DEQ that included questions to better understand the measures that will be applied to avoid and minimize surface water impacts and which alternative(s) may be the least environmentally damaging and practicable. After having reviewed the professional engineering evaluations and data provided by Transco and its partners, DEQ determined that the JPA meets the requirement of 9VAC25-210-80.B.1.g. in providing an alternatives analysis for the proposed SSEP detailing the specific on-site and off-site measures taken during SSEP design and development to first avoid and then minimize impacts to surface waters to the maximum extent practicable in accordance with the Guidelines for Specification of Disposal Sites for Dredged or Fill Material, 40 CFR Part 230 in terms of impacts to state waters and fish and wildlife resources. The proposed alternative provides the opportunity

for more collocation with Transco's existing Mainline System, minimizing the amount of permanent right-of-way required for the SSEP.

VWP permittees are required to first avoid and minimize impacts and then compensate for unavoidable permanent impacts. Transco's analysis demonstrated that avoidance and minimization opportunities have been identified, and measures have been applied to the proposed activity. For unavoidable, permanent conversion-of-functions wetland impacts, Transco is providing compensatory mitigation. DEQ applies a standard 0.5:1 mitigation ratio for permanent conversion of forested (PFO) to scrub-shrub (PSS) and PSS to emergent (PEM). DEQ applies a standard 1:1 ratio for permanent conversion of PFO to PEM. DEQ requires restoration of temporary wetland and stream impacts to pre-construction conditions. Temporary impacts mean impacts to wetlands or other surface waters that do not cause a permanent alteration of the physical, chemical, or biological properties of surface waters or the permanent alteration or degradation of existing wetland acreage or functions. Temporary impacts include activities in which the impact area is restored to its preconstruction elevations and contours with topsoil from the impact area where practicable, such that previous wetland acreage and functions or surface water functions are restored. The SSEP would incur 1.13 acres (cumulative) of conversion impacts (PFO to PEM, PFO to PSS, and PSS to PEM). Transco proffered *all* permanent conversion impacts to be compensated at a 1:1 ratio, providing more compensation than is typically required by DEQ. Transco also proffered compensatory mitigation for temporal losses of surface waters.

As part of the JPA submission, Transco included search results of the USACE RIBITS database that shows lack of available wetland credits for banks within primary service area, secondary service area, and tertiary service area; therefore, the conceptual mitigation plan for permittee-responsible *Cherrystone Wetland Mitigation Site* was provided. The site is expected to provide 5.28 acres of PFO wetlands (5.28 wetland credits); enhancement of 2.54 acres of PEM wetlands (0.51 acres wetland credits); creation of 5.94 forested buffer (0.59 wetland credits); and creation of 0.31 wetland credits through a recorded easement. During the DEQ Office of Environmental Impact Review solicitation for comments on the FERC Environmental Assessment (EA) issued October 31, 2025, DCR noted that the Biotics database does not indicate natural heritage resources being present at the Cherrystone mitigation site boundary, including a 100-foot buffer, whether due to absence or lack of surveys. In addition, the mitigation site boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

Additionally, Transco voluntarily purchased 360 stream credits from Frog Bottom Mitigation Bank for voluntary compensation for temporal stream loss associated with the SSEP's *temporary* stream impacts. Lastly, Transco will utilize a portion of the expected surplus credit (2.64 credits) developed at the Cherrystone site as voluntary compensatory mitigation for temporal loss of wetlands. Based on public comments, DEQ will include a special condition in the VWP Individual Permit that requires Transco to develop, submit, and implement a Restoration Framework. This framework will include but will not be limited to criteria for successful restoration of temporary impacts, a monitoring schedule to document success criteria, and a corrective action strategy for wetlands and streams that do not meet success criteria.

DEQ determined that the compensatory mitigation already obtained and that which is planned through the proposed permittee-responsible mitigation, and measures to be implemented through the Restoration Framework, are consistent with DEQ statute, Virginia Water Protection Permit Program regulations and policies, and the federal compensatory mitigation regulations.

7. Erosion and Stormwater Management

a. General ESC

Draft permit is premised in large part on Transco's claims that sediment will be controlled, but Transco's proposed erosion and sediment controls are woefully insufficient. There is little reason to believe the controls will be properly and consistently implemented. Transco's analysis must account for the crossing methods, continuous open trench length, instream work durations, site-specific features like steep slopes, and the cumulative impacts of the crossings and other projects. Without specific analysis of baseline conditions, or monitoring during and postconstruction, neither Transco nor the Department can properly quantify the damage from the project's stream crossings and the cumulative impacts of the project. Where MVP crosses Cherrystone, the erosion control methods that you might see on paper, they don't work in real life. The SSEP will cause the same problems of erosion and impact to water supplies we have seen in the areas near where I live in Roanoke, Virginia. Construction on for SSEP & MVP Southgate pipelines is planned along the same route, which could increase the negative impacts of construction on waterways.

As stated in the tentative Upland 401 Water Quality Certification (25-001) for the Transco Southeast Supply Enhancement Project (SSEP), the "*Certification operates in conjunction*

with other regulatory actions, including: (a) regulations adopted for land disturbing activities pursuant to the Virginia Erosion and Stormwater Management Act (Va. Code § 62.1-44.15:24, et seq.); and (b) all requirements of the Standards and Specifications applicable to the [SSEP] approved by DEQ. These completed regulatory actions remain in full force and effect, and this Certification shall not be interpreted as limiting, modifying, or otherwise relieving the Owner of any conditions imposed pursuant thereto."

The Virginia component of SSEP is enforced by DEQ under the Virginia Erosion and Stormwater Management Act (VESMA) and the Virginia Erosion and Stormwater Management Regulation (VESMR).

Transco has an approved Standards and Specifications (S&S) agreement for Erosion and Sediment Control (ESC) and Stormwater Management (SWM), dated August 19, 2025, where DEQ acts as the Virginia Erosion and Stormwater Management Program (VESMP) authority, which includes requirements applicable to the entire land disturbing activity during and after construction.

Transco is required to comply with the ESC Best Management Practices (BMPs) provided in the Virginia Stormwater Management Handbook (VSMH, GM24-2001, v1.1), and within Transco's ESC Plans. DEQ approved the ESC Plans for SSEP on September 12, 2025, for conformance with the VESMA and VESMR. DEQ will include a condition that requires Transco to fund continuous monitoring by the U.S. Geological Survey as specified stream crossings.

b. MS-16 (Open trench)

Another destructive practice Transco proposes, and that DEQ would allow, is the extension of the regulatory limit of no more than 500 feet of continuous open trench to three miles. Three miles of open trench would cause severe sedimentation that will overwhelm Transco's proposed controls.

DEQ approval of an MS-16 variance request is not required per Section 5.3.1.16 MS-16: Utility Construction of the VSMH, "*Greater open trench lengths are allowed if the Professional Engineer seals the drawings and provides a written narrative description and graphical depiction of the installation process that explains why a larger open trench length is necessary based upon installation process, pipe material, pipe diameter, and soil and slope characteristics. The purpose is to demonstrate the maximum practicable open trench length per installation spread (i.e., length of a linear utility being installed by one crew). Large projects may have multiple "spreads" under construction at one time*."

However, due to the nature of the project, including size, type, and proximity to other projects, DEQ requested that Transco provide a detailed justification based on the VSMH

conditions as part of the ESC Plan Review process. DEQ concurred with an ESC Variance request to Minimum Standard 16(a) (9VAC25-875-560 A 16.a) for SSEP on September 12, 2025, to exceed the requirement for "No more than 500 linear feet of trench may be opened at one time." The justification Transco provided for the variance included:

- Reason for Variance: The SSEP's length, pipe diameter, and required equipment necessitate up to three contiguous miles of open trench to safely and efficiently install the pipeline.
- Construction Sequence Needs: Pipeline construction requires multiple overlapping and sequential activities - clearing/grading, stringing/bending, welding, trenching, backfilling, and restoration - many of which depend on completion of prior tasks.
- Safety Considerations: A longer continuous work area prevents conflicts between crews, reduces work in close proximity, and supports a safe working environment.
- Efficiency Benefits: Allowing extended open trench enables proper sequencing, reduces total construction duration, and accelerates final grading and permanent stabilization.
- Trenching as a Critical Phase: Trenching often drives overall production rates and may occur before or after pipe stringing depending on field conditions, but is always a central, schedule-critical activity.
- Overall Goal: The variance supports safe, efficient, and timely pipeline construction while enhancing the ability to implement stabilization measures sooner.

However, Transco has indicated they will reduce the open trench length from three contiguous miles to one contiguous mile. Transco will submit a revised plan to be incorporated as an enforceable measure subject to DEQ's compliance and enforcement program. Note that DEQ concurrence with the variance request to exceed 500 linear feet does not preclude Transco from meeting all other requirements, and SSEP is still subject to the remaining ESC Minimum Standards.

c. I.B. Construction Crossing Duration

Regarding the "comparatively shorter construction duration" for open-cut crossings, Transco indicates in the Virginia portion of the Joint Permit Application that dry, opencut stream crossings can be completed within 24 to 48 hours. Transco also identified several crossings, however, that will take more than 48 hours, including, among others, one crossing with an anticipated duration of 168 hours - an entire week in which the stream would be dewatered.

9VAC25-875-520.C requires all management of dewatering activities to use appropriate controls. Also, Transco is required to comply with the ESC Minimum Standard 12, when working in a live watercourse, "precautions will be taken to minimize encroachment, control sediment transport, and stabilize the work area to the greatest extent possible during construction." ESC BMPs for constructing within a watercourse for extended periods of time, such as C-ENV-04 Utility Stream Crossing, are provided in VSMH v1.1 and within Transco's ESC Plans.

Transco provided justification regarding crossings that are proposed to exceed 24-48 hours in Table 5.1 of the JPA and in the additional information provided on August 6, 2025.

d. Violations of water quality standards

Transco's pipeline will cause or contribute to violations of Virginia's water quality standards and water quality criteria, and Virginia's antidegradation requirements. Construction, operation, and maintenance of these pipeline crossings will degrade water quality in these streams and wetlands, and will detrimentally impact the health of numerous watersheds in Pittsylvania County. Substances that must be controlled include those that produce "turbidity . . . or settle to form sludge deposits." Evaluation is needed to determine if instream construction would cause violations of Virginia's narrative water quality criteria.

Violations incurred by other projects in the Commonwealth do not predict violations of water quality or impacts to water resources, uses, human health, or aquatic wildlife that may occur during the construction of the SSEP. Violations of erosion and sediment control measures do not always equate to actual violations of water quality standards. Many violations can involve administrative requirements or maintenance of controls.

The Virginia component of SSEP is enforced by DEQ under the Virginia Erosion and Stormwater Management Act (VESMA) and the Virginia Erosion and Stormwater Management Regulation (VESMR).

In Virginia, the Standards and Specifications (S&S) program imposes the same technical and engineering requirements that would be required under DEQ's Virginia Pollutant Discharge Elimination System (VPDES) Construction General Permit (9VAC25-880-1 *et seq.*)[5]. In the 2022 Environmental Protection Agency (EPA) Fact Sheet for its construction general permit, EPA stated in Part 3.1 of the 2012 permit, that in the absence of information

[5] By an order dated April 10, 2017, the Richmond Circuit Court upheld the 2014 Construction General Permit and dismissed an appeal, finding that the Board acted in accordance with law and that there was substantial evidence in the record to support the Board's determination that proper implementation of permit conditions, including inspections and corrective action, would protect water quality.

demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards (which include State antidegradation requirements). Transco is required to have approved Virginia Erosion and Sediment Control (VESC) and Stormwater Management (SWM) plans that meet regulatory requirements to protect water quality. DEQ has determined that compliance with the Standards and Specifications approval generally is sufficient to satisfy Tier 2 and Tier 3 antidegradation requirements because the controls will not result in a lowering of water quality, making individualized Tier 2 or Tier 3 review unnecessary.

Transco has an approved Standards and Specifications (S&S) agreement for Erosion and Sediment Control (ESC) and Stormwater Management (SWM), dated August 19, 2025, where DEQ acts as the Virginia Erosion and Stormwater Management Program (VESMP) authority, which includes requirements applicable to the entire land disturbing activity during and after construction. These requirements include, but are not limited to, the control of water quantity and water quality during and after construction. Transco must meet the ESC Minimum Standards (9VAC25-875-560) and maintain the Stormwater Pollution Prevention Plan (SWPPP) on site. See section J.11 of the S&S agreement for more information on ESC and SWPPP requirements.

Transco is also required to comply with the ESC BMPs provided in the Virginia Stormwater Management Handbook (VSMH, GM24-2001, v1.1) and within Transco's ESC Plans. DEQ approved the ESC Plans for SSEP on September 12, 2025, for conformance with the VESMA and VESMR.

e. Turbidity and sedimentation

Sedimentation from Transco's open cut crossings and upland activities will harm water quality and aquatic life. Downstream increases in turbidity and suspended sediment, downstream deposition of sediment, sedimentation from disturbance of stream banks, temperature increases, and increase in stormwater runoff due to change in runoff from upslope areas. DEQ cannot issue either the draft VWP permit or the tentative upland certification without assessing whether Transco's project would comply with the general criteria - including the prohibition on objectionable turbidity - in the light of the narrative criterion. Transco's proposal will deposit massive quantities of sediment into state waters, harming aquatic life in violation of state law. How will liability be determined if violation or sediment plume occurs? What does enforcement even look like at that point from the DEQ perspective? Pollutants from sedimentation could harm aquatic life or interfere with the recreational and aesthetic

uses of waterways. Sediment from construction, dry-ditch, open-cut methods will pollute drinking water and harm habitats.

Transco must comply with the ESC Minimum Standards (9VAC25-875-560) and maintain the Stormwater Pollution Prevention Plan (SWPPP) on site. Specifically for Minimum Standard 19, "*Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion, and damage due to increases in volume, velocity, and peak flow rate of stormwater runoff…*" (9VAC25-875-560.A .19). See section J.11 of the S&S agreement for more information on ESC and SWPPP requirements.

To the extent there are any differences in the sedimentation or turbidity requirements imposed by any authorities, SSEP must comply with the most stringent or protective requirement, which includes addressing local water quality impairments for sediment or applicable TMDLs.

f. Restoration

Transco's plans for stream restoration do not appear to include any details on stream substrate or streambed contours as a part of restoration, as well as "a method for assessing actual ecological and physical impacts following construction.

In addition to the Environmental Inspectors and Transco's representatives, Virginia DEQ staff will review SSEP's post-construction and restoration activities to inspect for compliance with the DEQ-approved SWM plan and S&S requirements. The restoration plan is detailed in the SSEP SWM plan. Additionally, DEQ will include a special condition in the VWP Individual Permit that requires Transco to develop, submit and implement a Restoration Framework. This framework will include but will not be limited to criteria for successful restoration of temporary impacts, a monitoring schedule to document success criteria, and a corrective action strategy for wetlands and streams that do not meet success criteria.

g. Flooding

Rain comes heavier and harder these days and some businesses have had to relocate due to an increase in repeated flooding. SSEP will only increase flooding issues. The draft permits do not account for impacts from extreme precipitation events due to ever-increasing climate change.

Transco must comply with the SWM flood protection requirements of the VESMR, which includes ensuring that the SSEP does not cause or contribute to flooding conditions. DEQ approved the SWM Plans for SSEP on September 12, 2025, for conformance with the VESMA and VESMR.

h. Cumulative impacts

Two sets of stream crossings, two sets of right-of-way disturbances, two proposed pipelines and two sets of construction equipment and teams in the same areas could lead to much a higher level of sediment and an increased risk of hazardous material spills in our waterbodies. Moreover, if an environmental violation occurs (such as a sediment plume or chemical spill), it could be difficult for VA DEQ inspectors to determine which project is responsible and it would be all too easy for one project to point the finger at the other.

Transco has developed ESC plans in compliance with the VESMA and the VESMR. Transco is required to comply with applicable laws, regulations, and permit conditions established by Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers (USACE), and DEQ. As defined by the FERC Plan and Procedures, at least one Environmental Inspector is required for each construction spread during both construction and restoration phases. These inspectors will ensure adherence to permit stipulations throughout SSEP's implementation. They possess the authority to halt activities that violate environmental conditions outlined in the FERC's certificate order, stipulations of other environmental permits or approvals (such as Virginia's VWP and Upland 401 authorizations), or landowner easement agreements, and to mandate appropriate corrective actions. Environmental inspectors will be on-site daily, monitoring active construction for the installation of both pipelines, and inspections will occur in accordance with the timeframe required by each permit. If an environmental violation occurs, the responsible party will be identified at the time of the violation by DEQ.

8. Comments Submitted that Are Outside the Scope of the Proposed DEQ Actions and Regulatory Authorities

DEQ devoted considerable effort to provide clarification of the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). A significant number of comments and documents or studies were received related to issues being regulated by other DEQ regulatory programs or by external agencies or programs. These comments were primarily focused on the SSEP land disturbance involving erosion and sediment control and stormwater.

a. Tribal Consultation

The project area affects Indigenous cultural landscapes. Please require meaningful tribal consultation and consideration of cultural resources.

The Virginia General Assembly passed Virginia House of Representatives Bill 1157 during the 2024 General Assembly session. This bill requires DEQ to engage in consultation with Tribal Nations during the five specifically enumerated reviews below:

1. Environmental Impact Reports for major state projects (§ 10.1-1186.3:1 and § 10.1-1188);

2. State Corporation Commission project reports (§ 56-46.1 and 20VAC5-302-25);

3. Environmental impact assessments for oil or gas well drilling operations in Tidewater Virginia (9VAC15-20);

4. Federal Consistency Determinations (§ 307 of the federal Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 *et seq*.)); and

5. Groundwater Withdrawal Permits (§ 62.1-266).

DEQ is processing Transco's application for a draft Virginia Water Protection (VWP) Individual Permit and request for a tentative Certification for the Southeast Supply Enhancement Project (SSEP), which is not one of the five reviews where tribal consultation is required by law.

Transco began coordination with numerous federally and Virginia state recognized Native American tribes in January 2024. On October 31, 2025, an Environmental Assessment (EA) for the SSEP was issued by the Federal Energy Regulatory Commission (FERC), noting that in cases where letters sent to tribes were not successfully delivered, "*Transco made subsequent telephone calls or sent emails to the tribes … to further confirm contact information*." In the document, FERC stated that as of the date of the EA's issuance, four tribal organizations had responded to these outreach efforts:

- The Poarch Band of Creek Indians requested SSEP information or report findings at select facilities in Georgia and Alabama.
- The Eastern Shawnee Tribe of Oklahoma and the Catawba Indian Nation responded stating that the SSEP poses no adverse effect or endangerment to known sites of interest but requested to be notified if sites are inadvertently identified or human remains are encountered during excavation activities.
- The Alabama-Coushatta Tribe of Texas requested to be kept informed as the SSEP develops further.

In the event that unanticipated cultural resources are found during construction, Transco will follow its Unanticipated Discovery Plan for Cultural Resources and Human Remains.

Additionally, Transco's Joint Permit Application (JPA) for the SSEP stated that Transco initiated Section 106 consultation for the SSEP in Virginia directly with the Virginia Department of Historic Resources (DHR), acting as the Virginia State Historic Preservation Office (SHPO).

b. Safety

Williams Company has a horrible safety record, the worst safety record per incident out of most major pipeline companies according to the Pipeline Safety Trust. Elected officials entrusted with protecting the health and safety of our Virginia communities respectfully request denial of these permits until a cumulative analysis has occurred.

Interstate natural gas pipeline facilities are designed, constructed, operated, and maintained in accordance with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) Standard 49, Code of Federal Regulations (CFR) Part 192 (49 CFR Part 192). PHMSA recognizes pipeline systems as the safest means to transport natural gas because they are stationary and underground, reducing risk from hazards such as traffic accidents, weather events, and human error. Pipelines are also subject to rigorous federal safety regulations, including regular inspections, leak detection systems, and integrity management programs. These measures help to prevent, contain, and limit the potential impact of incidents.

Consideration of reported status with the Pipeline Safety Trust is not within the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). It should be noted that Transco will install pipeline with thickness in accordance with the U.S. Department of Transportation's pipeline safety regulations.

Additionally, based on publicly available information[6], DEQ finds data that supports an overall reduction in safety incidents for gas transmission lines in Virginia.

c. Economics

Commenters questioned the necessity or justification for the pipeline Project including discussions of economic and energy production impact. There's no direct benefit to those most directly impacted. SSEP does not serve the Pittsylvania community and it is not needed for the Berry Hill Mega Site. SSEP is an extensive investment in an outdated energy system that will leave us with stranded assets.

These comments regarding broader issues involving the proposed pipeline regarding the necessity, justification, or impact related to the economy and energy production are

[6] Virginia State Corporation Commission-Pipeline Safety Trust and United States Department of Transportation-Pipeline and Hazardous Materials Safety Administration

acknowledged. Consideration of these issues, however, is not within the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). Such issues or information may be relevant or considered in other regulatory actions including the Federal Energy Regulatory Commission's review process and decision development for issuance of a Certificate of Public Convenience and Necessity.

The Berry Hill Mega Site in Pittsylvania County was authorized by multiple DEQ programs under a separate application and review process, following established statutory and regulatory procedures.

d. Air quality / climate change

Several comments discussed or identified concerns regarding the pipeline project impact on air emissions; impacts related to climate change and increased production or use of natural gas in lieu of green energy production options such as solar or wind power. The projects pose significant risks to the communities faced with additional, massive methane-emitting gas transmission lines which pollute local air and water. SSEP would add new fossil fuel infrastructure at a time when scientists and global leaders agree we must phase out fossil fuels - this pipeline represents a dangerous step backward in Virginia's effort to confront the climate crisis. SSEP's route endangers ecosystems that are already stressed by rising temperatures and altered rainfall. Approving a massive new methane pipeline undermines Virginia's commitments to reduce greenhouse gas emissions and transition toward clean energy.

Consideration of these issues regarding air emissions, climate change, and use of natural gas in lieu of solar or wind power are not within the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). However, it should be noted that other regulatory authorities exist to address such issues. Additionally, issues related to energy production and alternatives including other energy production technology may be relevant or considered in other regulatory reviews for the SSEP including the Federal Energy Regulatory Commission's review process and decision development for issuance of a Certificate of Public Convenience and Necessity.

e. Projects in other states

Commenters identified permitting, certification, or compliance actions taken by other states regarding pipeline projects. Concerns regarding Transco's previous construction violations, with two comments addressing violations in North Carolina and Alabama.

The draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification) actions are governed by applicable laws, regulations, and guidance in the Commonwealth of Virginia. The draft VWP Individual Permit contains additional conditions to support the finding that the activity will comply with water quality requirements. DEQ's basis of decision for the tentative Certification is not inconsistent with that of the issuance of the Upland 401 Water Quality Certification by North Carolina on November 13, 2025.

Additionally, non-compliance or other events related to different pipeline projects cannot be presumed or ascribed to the SSEP and if approved, compliance with the conditions of the final VWP Individual Permit and final Upland 401 Water Quality Certification (Certification) will be addressed through DEQ's authority, oversight, and enforcement process.

f. Project support

Comments were received in support of the pipeline including comments regarding the existing, long-term use of natural gas in the community; opportunity for continued economic development, manufacturing and job creation; state and local government approvals for additional gas capacity; use of cleaner fuel options to meet energy needs; Transco's engagement with stakeholders and experts during the planning process and making appropriate modifications to develop the most responsible project route; and thoroughness of FERC's evaluation of the project.

A number of comments were received related to support of the proposed pipeline and DEQ's pending actions for the SSEP. These comments of support are included with the proposed action records.

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

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Secretary of Natural and Historic Resources

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Director

Summary of Public Comments and DEQ Responses ("Summary of Comments")

Tentative Upland 401 Water Quality Certification No. 25-001

December 4, 2025

This document provides a summary of the public comments received from the public comment periods, along with the Department of Environmental Quality (DEQ) responses to those comments, associated with the tentative Upland 401 Water Quality Certification (Certification) for the Transcontinental Gas Pipe Line Company, LLC Southeast Supply Enhancement Project (SSEP). DEQ has prepared a separate document relating to comments received on the draft VWP Individual Permit for SSEP. These actions are considered controversial permits as defined by §§ 10.1-1184.1 and 62.1-44.15:81 of the Code of Virginia.

The SSEP is subject to five interconnected actions: i) the Federal Energy Regulatory Commission (FERC) environmental review associated with issuance of a Certificate of Public Convenience and Necessity; ii) the concurrent review and issuance of a Section 404 permit by the U.S. Army Corps of Engineers (USACE) and a Virginia Water Protection (VWP) permit by DEQ; iii) the DEQ review and approval of Erosion and Sediment Control and Stormwater Management Standards and Specifications (S&S) and plans; iv) DEQ review and processing of Clean Water Act (CWA) Section 401 Water Quality Certification requests; and v) a continuous in-stream monitoring program for selected Virginia streams along the SSEP right-of-way. These actions taken together provide DEQ with a reasonable assurance that the SSEP actions will comply with water quality requirements, will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

Background:

The purpose of the proposed project is to construct a forty-two (42)-inch diameter natural gas pipeline approximately 26.8 miles in length from the Virginia/North Carolina state line (36.541640, -79.633178) to Transco Village in Pittsylvania County, Virginia.

As part of SSEP, Transco also would add two (33,000 horsepower (HP) each) electric motor-driven (EMD) compressor units at Transco's existing Compressor Station 165, located in Pittsylvania County, Virginia. Compressor Station 165 will be limited to a total incremental output of 45,000 HP, thereby increasing the total certificated station output to 96,930 HP.

Pursuant to §§ 62.1-44.15:20 and 62.1-44.15:81 of the Code of Virginia and VWP Permit Program regulation 9VAC25-210, the DEQ coordinated this application review with the Virginia Department of Wildlife Resources (VDWR), Virginia Department of Conservation and Recreation (VDCR), Virginia Department of Agriculture and Consumer Services (VDACS), Virginia Marine Resources Commission (VMRC), and Virginia Department of Health (VDH). Multiple conditions were added to the draft permit and tentative certification, as applicable, to address agency comments.

DEQ Public Participation:

One public comment period occurred concurrently for the two DEQ actions from September 20 to November 10, 2025, and two public hearings were held in October 2025 in Pittsylvania County, Virginia. The public draft permit and tentative certification hearing notice was published in the Danville Register & Bee and to the Virginia Town Hall General Notices on September 20, 2025.

During the 52-day public comment period, DEQ received the following, approximate breakdown of comments which included duplicate commenters and petitions:

	Oppose		Support	
	Draft Permit	Upland Certification	Draft Permit	Upland Certification
Email/Mail	**18**	**16**	**9**	**9**
Petition*	2 (319 signatures)	2 (319 signatures)	1 (3284 signatures)	1 (3284 signatures)
Verbal-hearing	**7**	**8**	**6**	**6**
Total	**25**	**24**	**15**	**15**

*Included with Email/Mail count

Many comments received did not differentiate as to which pending DEQ action the comment applied; therefore, some comments are duplicated across both pending DEQ actions. All public comments received during public comment period and public hearings are part of the permit and certification records and have been considered. Several changes will be incorporated into the draft VWP Individual Permit No. 25-1277 as noted in the DEQ Summary of Comments. No changes are proposed to the tentative Upland 401 Water Quality Certification.

DEQ Summary of Comments for the Tentative Upland 401 Water Quality Certification - Southeast Supply Enhancement Project (SSEP):

1. Cumulative Impacts

Concerns regarding cumulative impacts from simultaneous SSEP and MVP pipeline projects, as well as cumulative impacts to rivers and streams. Several comments on cumulative impacts also reference the 2014 coal ash spill in the Dan River. Tentative upland certification does not sufficiently address cumulative impacts, landslide susceptible soils, steep slopes, and acid-forming soils.

DEQ believes that cumulative impacts, including those associated with the Mountain Valley Pipeline Southgate (MVP Southgate) project, have been adequately considered. In accordance with § 62.1-44.15:81 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) received and reviewed the Upland 401 Water Quality Certification (Certification) request that contained the following information: description of all activities that will occur in upland areas, including activities in or related to (i) slopes with a grade greater than 15 percent; (ii) karst geology features, including sinkholes and underground springs; (iii) proximity to sensitive streams and wetlands identified by the Department of Conservation and Recreation or the Department of Wildlife Resources; (iv) seasonally high water tables; (v) water impoundment structures and reservoirs; and (vi) areas with highly erodible soils, low pH, and acid sulfate soils.

The Certification and its conditions are meant to cover project activities outside the jurisdiction of the Virginia Water Protection (VWP) Permit Program Regulation and U.S. Army Corps of Engineers (USACE) jurisdiction, and should not be seen as limiting conditions imposed by the VWP Permit Program Regulation, any permit issued by the USACE or the Virginia Marine Resources Commission (VMRC), or any other separate state or federal permit, license, or approval required for the project.

Also, to ensure continued attainment of water quality standards, in considering the Certification, the following submissions were reviewed: a Geotechnical Engineering Letter

Report including supplemental information on *slopes*, karst, and *acid-forming soils*, a *Steep Slopes* Table, a Karst Map depicting the project area, the Project-Specific Upland Erosion Control, Revegetation, and Maintenance Plan, the Project Blasting Plan, a Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plan, a Fugitive Dust Control Plan, Construction Spill Prevention and Response Procedures for Oil and Hazardous Materials, a Water Supply Well and Spring Testing Plan, and documents submitted for approval by DEQ pursuant to requirements of the VWP Permit Program and Virginia Erosion and Stormwater Management Act. Based upon information detailed in the Revised Geotechnical Engineering Letter Report (May 2025) and Supplemental Geotechnical Information, requested by DEQ and provided on August 19, 2025, in the Revised Geotechnical Engineering Letter Report (August 2025), the risk of encountering acid-forming soils is low. As detailed in the Blasting Plan (October 2024) and the Geotechnical Engineering Letter Report dated August 2024 and revised on May 22, 2025, and August 18, 2025, Transco provided methods for the preventative and mitigatory measures to address land or rockslides into surface waters. The tentative Certification addresses all proposed upland activities associated with the construction, operation, maintenance, repair of the pipeline, related access roads and rights-of-way, and certain upland activities related to hydrostatic testing. The tentative Certification conditions cover all relevant upland project activities within the route approved by FERC.

Transco concurrently submitted a detailed erosion and sediment control plan and stormwater management plan with the Joint Permit Application (JPA). DEQ's issuance of a VWP Individual Permit and Erosion and Stormwater Management (ESC) plans reduce potential sedimentation within the relevant watersheds, including the Dan River. Additionally, DEQ's Office of Water Quality Monitoring and Assessment confirmed that the 2014 coal ash release to the Dan River did not change the attainment status of the Dan River.

Below is the Summary of Comments and DEQ responses pertaining to cumulative impacts for the draft VWP Individual Permit. See also DEQ's response number 7 (Erosion and Stormwater Management) in the Summary of Comments for the VWP Individual Permit.

Project would result in impermissible cumulative impacts – would contribute to violation of water quality standards. Transco and DEQ have not sufficiently characterized or evaluated/analyzed these impacts in its application, analysis is inadequate on a watershed-level and stream-by-stream scale changes to hydrology, channel form, and habitat condition, and for aquatic resources, including threatened and endangered species. Cumulative impacts for the

streams and wetlands crossed by both projects and watersheds with multiple crossings could experience compounding negative effects that's double the impact. Transco's evaluation of HUC-12 watersheds is insufficient. Transco does not consider the cumulative impacts on those same streams and wetlands that both Mountain Valley Pipeline's proposed Southgate Pipeline and Transco's proposed Southeast Supply Enhancement Project (SSEP) would impact.

DEQ believes that cumulative impacts, including those associated with the Mountain Valley Pipeline Southgate (MVP Southgate) project, have been adequately considered. Transco's Joint Permit Application (JPA) included a Federal Energy Regulatory Commission (FERC) cumulative impact analysis for the Southeast Supply Enhancement Project (SSEP) titled *"Cumulative Impact Analysis Excerpt from [October 2024] Resource Report 1, FERC Docket No. CP25-10"* (FERC Report). Transco developed the FERC Report in accordance with the FERC's *Guidance Manual for Environmental Report Preparation*, which incorporates guidance from the Council on Environmental Quality (CEQ). The FERC Report cites CEQ regulations to define a cumulative impact as: "*The impact on the environment that results from the incremental impact of the Action when added to other past, present, and reasonably foreseeable future Actions regardless of what agency (Federal or non-Federal) or person undertakes such other Actions*."

Actions considered in the FERC Report met the following criteria:

- Affect a resource that may also be affected by the SSEP.
- Cause this impact within the SSEP area; or
- Cause this impact within the resource-specific geographic boundary where the SSEP will also have an impact; and
- Cause this impact within the same timeframe during which SSEP impacts may occur.

The FERC Report establishes resource-specific geographic scopes to align with ecological or jurisdictional boundaries, such as watershed boundaries for water resources or county lines for socioeconomic considerations. The FERC Report addresses cumulative impacts to ten resource types: Water Quality and Use, Vegetation, Wildlife, Cultural Resources, Socioeconomics, Geologic Resources, Soil Resources, Land Use including Recreation and Aesthetics, Air Quality and Noise. This response applies only to public comments received by DEQ that

address the SSEP's potential cumulative impacts to water quality.

The FERC Report uses the resource-specific geologic boundary of Hydrologic Unit Code 12 (HUC 12) sub-watersheds crossed by the SSEP to assess cumulative impacts to water quality. This boundary has reasonable ecological relevance to define the study area within which other proposed or permitted projects and actions are assessed. In Virginia, the SSEP is located within the Roanoke River Basin, the Banister, and Upper Dan sub-basins, and crosses five HUC 12 sub-watersheds. Transco used publicly available information to identify other Actions[1] within these watersheds that overlap with the SSEP, including the proposed Mountain Valley Pipeline Southgate Amendment Project (MVP Southgate). Table 1.9-2 of the FERC Report lists Actions within the same HUC-12 watersheds crossed by the SSEP and summarizes their potential to contribute to cumulative impacts. Table 1.9-4 of the FERC Report provides a quantitative assessment of these Actions that have overlapping elements with the SSEP.

Of the Actions identified the FERC Report focuses on four that are expected to occur within the same timeframe and either overlap with, or are adjacent to, the SSEP:

- MVP's Southgate Amendment Project
- Transco's 2026NC Mainline B Restoration Project
- Transco's Lake Norman Project
- Enbridge's T15 Reliability Project.

Of these, only MVP Southgate is located in Virginia.

The FERC Report then presents a quantitative comparison between the SSEP and MVP Southgate in Table 1.9-3 showing cumulative impacts to surface waters and overlapping workspace estimates.

Supporting information provided by Transco provided supplemental quantitative cumulative impacts analysis addressing multiple crossings of the same surface water, and surface waters crossed by both the SSEP and MVP Southgate.

- White Oak Creek is the only stream in Virginia crossed multiple times, with cumulative impacts of 0.11 acres. These are temporary impacts and are 4.8

[1] Per the FERC Report, to evaluate these potential impacts, Transco considered past, present, and reasonably foreseeable future major actions and other human-related activities (collectively referred to as "Actions") near the Project facilities.

miles apart.

- Wetland W200-VA is crossed once by the SSEP (3.36 acres temporary impact) and is later disturbed by construction of the Permittee Responsible Mitigation (PRM) site (3.24 acres). The PRM site creates 5.28 acres of new wetlands and enhances 2.54 acres.
- Streams and Wetlands crossed by both SSEP and MVP Southgate – Transco notes that the SSEP results in no permanent impacts to streams or wetlands. The highest cumulative temporary impact is to White Oak Creek with 0.19 acres.

The FERC Report provides a qualitative analysis of cumulative impacts throughout the narrative and in supplemental submissions. The qualitative analysis finds that:

- Temporary impacts, such as those associated with the SSEP, are limited in duration and area.
- The SSEP will be constructed sequentially with MVP Southgate; however, construction for individual crossings will be constructed at different times, avoiding similar spatial locations.
- Per the U.S. Geological Survey (USGS) *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity in Southwestern Virginia, 2017-25* (2025 USGS Report), turbidity in flowing streams attenuates with time and distance, generally reaching background levels within 200 feet downstream of a crossing. See also DEQ's response number 4 (Water Quality).
- Short term turbidity spikes from construction activities are relatively minor compared to natural storm events (2025 USGS Report). See also DEQ's response number 4 (Water Quality).
- The SSEP and MVP Southgate are providing 1:1 compensation for all wetlands permanently converted to a different Cowardin classification.
- All projects assessed for cumulative impacts to wetlands and streams must obtain permits and observe environmental controls including avoidance and minimization, impact restoration and/or compensation.
- Co-location of the SSEP and MVP Southgate in or adjacent to the existing Transco right-of-way to the extent practicable provides opportunities to coordinate construction activities and reduces the overall space required for

work areas and other potential shared areas.

- All of the SSEP surface waters impacts are temporary and will be constructed sequentially rather than concurrently, allowing time for the attenuation of any minimal temporary discharges.
- No crossing exceeds the U.S. Army Corps of Engineer's (USACE) single and complete NWP-12 threshold of 0.5 acres of permanent loss of waters used by USACE to constitute "minimum adverse environmental effects."

The FERC Report and supplemental information summarize, "*…while cumulative impacts may occur due to overlapping geographic and temporal scopes, significant cumulative impacts are not anticipated*."

While federal National Environmental Policy Act (NEPA) regulations direct FERC to analyze cumulative impacts, there is no Virginia regulatory framework for DEQ to conduct such an analysis.

The concept of evaluating SSEP's total impacts to surface waters is found in Virginia's VWP regulation. Specifically, the regulation includes a definition of single and complete project (9VAC25-210-10). The determination of what constitutes a single and complete project drives the analysis utilized to decide whether compensation for surface waters impacts is required. In other words, the need to compensate for surface water impacts is based on the total impacts of a given project and the regulation defines how the totality of a project is evaluated to ensure surface water impacts are not fragmented and compensation avoided. The VWP regulations specifically define that for linear projects, the single and complete project (*e.g.*, a single and complete crossing) will apply to each crossing of a separate surface water (*e.g.*, a single water body) and to multiple crossings of the same water body at separate and distinct locations.

In addition to reviewing reports provided in each respective JPA, DEQ took shapefiles provided by the SSEP and MVP Southgate and created a series of figures showing crossings of each respective project and impacts side by side, evaluating and comparing every crossing for each respective project. DEQ's comment letters to both applicants considered impacts associated with both projects and included comments on avoidance and minimization measures.

There are numerous federal and state permitting and regulatory programs that apply to the SSEP. These include the Virginia Erosion and Stormwater Management Program (VESMP), which imposes the same substantive requirements on oil and

gas projects as the Virginia Pollutant Discharge Elimination System (VPDES) permit program for stormwater from construction activities; the Virginia Water Protection (VWP) Permit Program and Section 404 of the Clean Water Act. Each of these regulatory tools individually requires protection of water quality for SSEP activities. Collectively these programs impose a number of technical requirements that are designed to avoid or minimize impacts to water resources.

To further eliminate any possible cumulative impacts, DEQ will include a condition in the VWP Individual Permit that prohibits concurrent construction of open cut stream crossings at any stream crossings with flowing water that are being conducted within 200 linear feet of each other.

See also DEQ's response number 7 (Erosion and Stormwater Management).

2. Crossing Methodologies

Concern that methods used for proposed stream crossings, and the route of the pipeline crossing through waterways will threaten drinking water.

DEQ believes that crossing methodologies have been adequately considered. The tentative Upland 401 Water Quality Certification (Certification) addresses relevant upland project activities within the route to be approved by the Federal Energy Regulatory Commission (FERC) and the Certification conditions are not meant to limit requirements imposed by the Virginia Water Protection (VWP) Permit Program Regulation, any permit issued by the U.S. Army Corps of Engineers (USACE) or the Virginia Marine Resources Commission (VMRC), or any other separate state or federal permit, license, or approval required for the Southeast Supply Enhancement Project (SSEP). Crossing methods were reviewed in detail when considering the VWP Individual Permit.

Conditions of the Certification prohibit removal of riparian buffers not directly associated with the SSEP's construction activities. In addition, disturbance and removal of riparian buffers from SSEP-related upland land disturbing activities that would occur within 50 feet of any perennial, intermittent, or ephemeral surface waters must be avoided where possible, and minimized to the maximum extent practicable if 50 feet is not possible. Removal of riparian buffers not associated with crossings shall not be allowed where stream bank stability under normal flow conditions would be compromised. The construction limit of disturbance (LOD) in upland areas approaching waterbody and wetland crossings must be reduced from 100 feet to 75 feet wide to the extent practicable to minimize the extent of riparian buffer disturbance. Additionally, no refueling, hazardous materials storage, equipment maintenance, or equipment parking may take place within

100 feet of the waterbody or wetland crossing, unless allowed by the DEQ-approved Standards and Specifications (S&S), and all construction must be accomplished in such a manner that materials or waste is not placed into surface waters.

Below is the Summary of Comments and DEQ responses pertaining to crossing methods for the draft VWP Individual Permit. See also DEQ's response number 7 (Erosion and Stormwater Management) in the Summary of Comments for the VWP Individual Permit.

Proposed use of dry-ditch, open-cut crossings is contrary to avoiding and minimizing impacts to maximum extent practicable. The dry-ditch, open-cut crossings of 70 stream crossings in Virginia that Transco proposes are highly destructive of the aquatic environment and release sediment and pollution into local waterways. Application largely treats these impacts as temporary, overlooking and inappropriately minimizing how these activities - clearing vegetation, dewatering, backfilling trenches, heavy equipment crossings, and establishing permanent easements - interact to create long-term, sometimes irreversible impacts to stream morphology, water quality, and aquatic habitat. Transco's various assertions that the impacts from open-cut crossings are limited in extent and short in duration and only create temporary disturbances for the duration of construction are plainly contrary to the scientific evidence. Transco has arbitrarily dismissed and failed to consider less impactful, trenchless crossing methods. Sedimentation from Transco's open cut crossings and upland activities will harm water quality and aquatic life. Transco's analysis lacks field-verified geotechnical information for the vast majority of its proposed open-cut crossings.

DEQ believes that crossing methodologies have been adequately considered. Temporary impacts mean impacts to wetlands or other surface waters that do not cause a permanent alteration of the physical, chemical, or biological properties of surface waters or the permanent alteration or degradation of existing wetland acreage or functions (see 9VAC25-210-10). Temporary impacts include activities in which the impact area is restored to its preconstruction elevations and contours with topsoil from the impact area where practicable, such that previous wetland acreage and functions or surface water functions are restored. DEQ will include a condition in the VWP Individual Permit that requires Transco to reimburse DEQ for the costs of hiring third-party inspectors to provide daily inspection activities along the construction right of way and ensure compliance with permit conditions as well as erosion and control and stormwater measures. This is authorized by Virginia

Code § 62.1-44.15:31.F which states that DEQ "*shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, including Standards and Specifications (S&S) review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations*." Should the SSEP experience outcomes that warrant compliance action, DEQ will take any actions allowable by the State Water Control Law and/or applicable DEQ regulations.

DEQ will include a special condition in the VWP Individual Permit that requires Transco to develop, submit and implement a Restoration Framework. This framework will include but will not be limited to criteria for successful restoration of temporary impacts, a monitoring schedule to document success criteria, and a corrective action strategy for wetlands and streams that do not meet success criteria.

In the Joint Permit Application (JPA), Transco provided a Pipeline Installation Alternatives Analysis (PIAA) that includes horizontal directional drilling (HDD) design reports and descriptions of open cut, HDD, the conventional bore crossing methods. Transco also included in its JPA a table providing relevant considerations for each stream and wetland crossing. The descriptions noted limitations, standard practices, length considerations, duration, inadvertent returns (HDD), groundwater considerations, geologic considerations, workspace considerations, bore pits (conventional), proximity to existing infrastructure, and cost that may drive the selection of crossing methods. Based on the analysis provided, two HDD crossings were proposed in Virginia, with the remaining crossings proposed as open cut. In the PIAA, Transco included a Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plan. DEQ used shapefiles provided by the SSEP and the MVP Southgate Amendment Project (MVP Southgate) to create a series of draft figures showing their crossings and impacts side by side, evaluating and comparing every crossing for each respective project. Differences in crossing methods were noted at eight locations. Five crossings were at portions of the alignments that were proximate to each other; three were at sections where the proposed alignments diverged.

DEQ requested additional information in the second comment letter of July 15, 2025, that included details about industry standards, supplemental rationale for certain crossings, longitudinal drawings for eight crossings, avoidance and minimization of multiple crossings in regard to further consideration of HDD and combining of road crossings with stream/wetland crossings, and provision of

geotechnical data for three (3) crossings of the eight crossings to support Transco's conclusion that open cut crossing method is not feasible. Additionally, DEQ asked about the possibilities of HDD crossings, conventional bore or HDD crossings that would combine wetlands and stream crossings with roadway crossings or combined wetland and streams at eight additional locations. In their August 6, 2025, response letter, Transco provided a detailed table (PIAA – Appendix A; revised Comment Letter 2 response) that lists considerations for each of the eight stream crossing and lists the crossing method decision rationale. Transco also provided descriptions that noted industry standards for conventional bores, internal standards that focused on steering limitations, safety requirements, a table from the National Utility Contractors Association (NUCA) regarding suitability under different ground conditions, and the requested additional geotechnical information at aforementioned three locations. Additionally, Transco provided justifications based on aforementioned limitations and considerations supporting their selection methods, as well as descriptions regarding feasibility and constructability at these additional locations to support the proposed open cut method as the LEDPA.

On August 26, 2025, DEQ sent an email to Transco requesting supplemental information regarding the NUCA industry standard of approximately 600 feet in length for a conventional bore in comparison the stated 300-foot limit in the comment response. Transco responded via email on August 27, 2025, providing rationale for the 300-foot limitation that notes the NUCA manual also references ground and size dependent considerations, Pipeline Resource Council International report (PRCI Report), and steering limitations. Transco noted other considerations included the steering capabilities of the auger boring equipment and the ability to control and steer the boring head; and encroaching closer to the existing in-service pipelines in its evaluation to limit conventional auger bores to 300 feet.

Regarding the use of novel methods, Transco notes that microtunneling and Direct Pipe are trenchless crossing methods having significant logistical challenges including extensive workspace layouts for shafts and pipe stringing areas; significantly longer construction duration; limited equipment and contractors capable of performing these crossings; substantially higher costs; and additional noise impacts and therefore were determined as not practicable.

Transco also notes that Guided Conventional Boring relies on an initial pilot hole and has fundamental limitations due to bore pit depth, workspace considerations, soil and geologic conditions, as well as groundwater considerations, and infeasibility of the conventional bore method following the pilot tube. This method is

severely limited by soil conditions, and the risk of inadvertent returns with this method is high. Transco did not identify any features where the guided component of the conventional bore method would make a conventional bore feasible or practicable, if it was already deemed infeasible for other reasons.

DEQ accepted the rationale provided by Transco based on the information provided regarding industry standards, Transco's professional engineering practices or methodologies, and practicability as established in the alternatives analyses tables/narratives.

Several commenters noted the impact of open cut crossings, their designation as temporary impacts, and long-term water quality impacts.

DEQ in cooperation with the U.S. Geological Survey (USGS) deployed real-time continuous stream monitoring stations upstream and downstream of six Mountain Valley Pipeline stream crossings in southwestern Virginia. Based on DEQ's review of the results in the USGS *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity in Southwestern Virginia, 2017-25* (2025 USGS Report), construction did not affect long-term or short-term upstream-to-downstream water temperature conditions and pipeline stream crossing construction did not affect long-term upstream-to downstream turbidity conditions in all six monitored streams. Short-term anomalously elevated turbidity conditions were observed and attributable to pipeline stream crossing construction; however, the duration and magnitude were not sufficient to alter the long-term turbidity regime of the streams in which they were observed. See also DEQ's response number 4 (Water Quality).

See also DEQ's response number 7 (Erosion and Stormwater Management).

3. Species and Wildlife

Concerns the project will burden sensitive and threatened species, including mussels and fish. Several comments addressing threatened species also reference impacts to other aquatic species and fish caught for consumption.

DEQ received many of the same comments that it received for the draft VWP Individual Permit action.

Pursuant to the State Water Control Law, DEQ requested a review of the Project by the Virginia Department of Conservation and Recreation (DCR), Virginia Department of Agriculture and Consumer Services (VDACS), and the Virginia Department of Wildlife

Resources (DWR). To facilitate the review, DEQ provided the Project's limits of disturbance, and past coordination responses for the project along with other relevant sections of the Joint Permit Application (JPA). DEQ considered comments by the agencies when drafting the Upland 401 Water Quality Certification (Certification) and the certification states that the "Certification does not constitute, convey, or imply authority to any project proponent to unlawfully or incidentally take any threatened or endangered species that is protected by Virginia laws or regulations, pursuant to § 3.2-1000 through -1011; § 29.1-563 through -570; and 4 VAC 15-20 *et seq*."

Below is the Summary of Comments and DEQ responses pertaining to species for the draft VWP Individual Permit. See also DEQ's response number 7 (Erosion and Stormwater Management) in the Summary of Comments for the VWP Individual Permit.

Transco's open cut crossings and upland activities will deposit massive quantities of sediment into state waters, harming aquatic life in violation of state law. Transco has failed to adequately assess the potential cumulative impacts on aquatic resources, including threatened and endangered species such as the James spinymussel and Atlantic pigtoe mussel. The Virginia Department of Conservation and Recreation (DCR) recommended implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations for the Roanoke logperch – Transco's proposal does not at all comply with these laws and regulations. Time of year restrictions (TOYR) set forth in the draft VWP permit for some species will not adequately protect aquatic life.

Regarding Transco's proposed use of dry-ditch, open-cut crossings, the DEQ draft VWP Individual Permit does not authorize an incidental take of any listed species and requires coordination with the U.S. Fish and Wildlife Service (USFWS) regarding federally listed species.

As noted in FERC's October 2025 Environmental Assessment (EA), as the lead federal agency authorizing the SSEP, FERC is required to consult with USFWS to determine whether federally listed endangered or threatened species or designated critical habitat are found in the vicinity of the SSEP, and to evaluate the proposed actions potential effects on those species and/or critical habitat. Although proposed species under review and proposed critical habitat do not receive federal protection through the Endangered Species Act (ESA), FERC considered the potential effects on these species and habitats so that Section 7 consultation could

be facilitated if one or more of these species become listed before or during construction. Regarding federal species, FERC and USFWS are engaged in ongoing consultation. FERC recommended that construction not begin until ESA consultation is complete, and Transco is currently consulting with USFWS (ongoing). DEQ added a special condition to the draft VWP Individual Permit that requires Transco to provide the results of coordination with USFWS and adhere to recommendations made by the USFWS, including time-of-year restrictions, monitoring, avoidance and minimization measures, mitigation, etc. DEQ expects that measures recommended by the USFWS will be relevant to the federal permitting and licensing actions for the SSEP.

DEQ consulted with the Virginia Department of Wildlife Resources (DWR) and the Virginia Department of Conservation and Recreation (DCR) – and Virginia Department of Agriculture and Consumer Services (VDACS) via memorandum between DCR and VDACS - regarding potential impacts to aquatic resources. These agencies are responsible for implementing state regulations to provide due protection to species under their respective authorities and employ professionals to carry out such authorities. Comments from these agencies were considered and conditions were developed for the draft VWP Individual Permit. Transco accepted the conditions in the draft permit and agreed to abide by the recommended measures, including those required by the Virginia Erosion and Stormwater Management Program regulations.

Transco has also agreed to avoidance and minimization measures for the protection of species. This includes but is not limited to applying time-of-year restrictions for certain resources that may support warm water fish spawning and implementation of trenchless construction methods at the Sandy and Banister Rivers. The SSEP as proposed does not present a significant loss of resource function or value to special aquatic sites, given the proposed restoration and post-construction monitoring that will document and address any instance of more than minimal loss resulting from the SSEP, should any arise.

DWR and DCR recommended the following measures to reduce sedimentation:

The SSEP's design minimizes disturbance to aquatic life and habitat and protects water quality by collocating the proposed pipeline with Transco's existing pipeline system to the extent practicable, with few exceptions. Transco has proposed a route where the landscape has already been disturbed and restored versus incurring additional disturbance in new areas. As to effects on the aquatic ecosystem, individual fish and aquatic creatures, and the structure and function of

streams and wetlands, which supports the notion that dry-ditch, open-cut crossing impacts are limited both temporally and geographically. In addition, the SSEP will employ measures to minimize potential adverse impacts of the SSEP on aquatic ecosystems, including best management practices (BMPs) to minimize erosion and sedimentation and mitigation for unavoidable impacts.

The following measures were recommended to reduce potential impacts to habitat:

DWR provided a table entitled *Virginia Time of Year Restrictions — Southeast Supply Enhancement Project — Eden Loop* that lists time-of-year restrictions for surface waters for general warmwater fisheries (spawning) at designated stream crossings.

DWR concurs with the proposed avoidance and minimization efforts provided in the JPA. The Dan River is designated a Threatened and Endangered Species Water due to the presence of federal proposed state threatened green floater, federal proposed state endangered James spinymussel, and federal proposed state threatened Atlantic pigtoe. The stream crossings associated with this SSEP have been reviewed and mussel surveys performed where necessary, resulting in no mussels being found. As the SSEP does not intersect tributaries within one mile of the Dan River and no work will occur in the Dan River in Virginia, DWR does not anticipate the SSEP to result in adverse impacts upon listed freshwater mussels.

DWR concurs with Transco's Waiver Requests and TOYRs as presented in the "DWR TOYR/Request" column. DWR supports this table's inclusion in the final VWP permit and recommends minimizing deforestation impacts by placing the SSEP within existing disturbed utility corridors or areas already in early successional condition.

DCR recommends adhering to time-of-year-restrictions (TOYR) for tree removal for the protection of tri-colored bats. Due to the legal status of the tri-colored bat, DCR recommends coordination with the DWR, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (§§ 29.1-563 – 570 of the Code of Virginia). DCR also recommends continued coordination with the USFWS for federally listed species including bats.

DCR also supports development of contingency and emergency plans for horizontal directional drilling, spill response, hydrostatic testing, and dewatering. Suitable habitat for the Roanoke logperch may occur in the SSEP area, and DCR supports DWR's in-stream work restrictions from March 15 to June 30 where applicable.

DEQ added permit conditions to the draft VWP Individual Permit related to DCR's TOYR for tree clearing; TOYR for the logperch; and recommendation to develop an

invasive species inventory for the proposed PRM site based on the 2024 DCR Invasive List (https://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2024.pdf). Transco will also be required by the DEQ and USACE to develop and use of an adaptive management plan for the control of invasive species at the PRM site.

See also DEQ's response number 4 (Water Quality).

4. Water Quality / Uses / Water Supply

Concern that methods used for proposed stream crossings, and the route of the pipeline crossing through waterways will threaten drinking water. Several comments also convey additional concern that upland construction adds to this threat and risks running afoul of Virginia water quality criteria and wetland protections.

The Upland 401 Water Quality Certification (Certification) addresses relevant upland project activities within the route to be approved by the Federal Energy Regulatory Commission (FERC), and the Certification conditions are not meant to limit requirements imposed by the Virginia Water Protection (VWP) Permit Program Regulation, any permit issued by the U.S. Army Corps of Engineers (USACE) or the Virginia Marine Resources Commission (VMRC), or any other separate state or federal permit, license, or approval required for the Southeast Supply Enhancement Project (SSEP). Construction methods for each crossing were reviewed in detail when considering the VWP Individual Permit.

Conditions of the Certification prohibit removal of riparian buffers not directly associated with the SSEP's construction activities. In addition, disturbance and removal of riparian buffers from SSEP-related upland land disturbing activities that would occur within 50 feet of any perennial, intermittent, or ephemeral surface waters must be avoided where possible, and minimized to the maximum extent practicable if 50 feet is not possible. Removal of riparian buffers not associated with crossings shall not be allowed where stream bank stability under normal flow conditions would be compromised. The construction limit of disturbance (LOD) in upland areas approaching waterbody and wetland crossings must be reduced from 100 feet to 75 feet wide to the extent practicable to minimize the extent of riparian buffer disturbance. Additionally, no refueling, hazardous materials storage, equipment maintenance, or equipment parking may take place within 100 feet of the waterbody or wetland crossing, unless allowed by the DEQ-approved Standards and Specifications (S&S), and all construction must be accomplished in such a manner that materials or waste is not placed into surface waters.

DEQ requested a review of the SSEP by the Virginia Department of Agriculture and Consumer Services (VDACS) and the Department of Wildlife Resources (DWR) and considered comments by both agencies when drafting the Certification.

Below is the Summary of Comments and DEQ responses pertaining to water quality and supply for the draft VWP Individual Permit. See also DEQ's response number 7 (Erosion and Stormwater Management) in the Summary of Comments for the VWP Individual Permit.

Water quality, uses:
The Draft VWP permit fails to provide assurance that Virginia water quality standards (WQS) and other requirements of state and federal law will be met for the covered activities - DEQ must analyze: 1) the effectiveness of the planned construction and pollution control methods to protect waters under a range of conditions that may be expected to be present during pipeline construction and restoration of disturbed areas; 2) the likelihood that Transco can and will implement those construction and pollution control plans faithfully and consistently; and 3) the effectiveness of DEQ in enforcing the requirements, ensuring any failures are corrected swiftly, and that any systemic problems that arise will be addressed through systemic solutions, rather than on a piecemeal basis. Proposed project would result in violations to water quality standards and Virginia's antidegradation policy. and designated uses. Transco's open cut crossings and upland activities will harm water quality of Banister River, Sandy River, Dan River, and Cherrystone Creek. Transco has failed to minimize adverse impacts to streams and wetlands. The Dan River is an important source of recreation for both this community and our neighbors in North Carolina.

The SSEP is subject to five interconnected actions: i) the Federal Energy Regulatory Commission (FERC) environmental review; ii) the concurrent review and issuance of a Section 404 permit by the U.S. Army Corps of Engineers (USACE) and a Virginia Water Protection (VWP) permit by DEQ; iii) the DEQ review and approval of Erosion and Sediment Control and Stormwater Management Standards and Specifications (S&S) and plans; iv) DEQ review and processing of Clean Water Act (CWA) Section 401 Water Quality Certification requests; and v) a continuous in-stream monitoring program for selected Virginia streams along the SSEP right-of-way. These actions taken together provide DEQ with a reasonable assurance that the SSEP actions will protect instream beneficial uses, will not violate applicable water quality standards,

and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

The U.S. Environmental Protection Agency (EPA) has promulgated regulations that outline the process for providing Section 401 water quality certification at 40 C.F.R. Part 121. This regulation states that the certification shall, among other elements, include a statement the activity will comply with water quality requirements. EPA's regulation authorizes DEQ to provide a statement of any conditions which it deems necessary or desirable with respect to the discharge of the activity and, very broadly, DEQ can include other information as it may determine to be appropriate.

A permit addresses future events; therefore, it is inherently predictive in nature and absolute certainty is not required. A state may add conditions to a permit that the state deems necessary or desirable with respect to the discharge of the activity, and the state may rely on these conditions to make a finding that the activity will comply with water quality requirements. Conditions applied in the draft VWP Individual Permit, if complied with, provide reasonable assurance that water quality and beneficial uses will not be adversely affected by the proposed temporary crossings, regardless of the number of crossings or methodology. Additionally, Transco provided and will implement the Transco Plan and Procedures in the JPA, the approved Erosion and Sediment Plan(s), and best management practices during and after the SSEP's construction to ensure activities are conducted in accordance with required permits.

In Virginia, the Standards and Specifications (S&S) program imposes the same technical and engineering requirements that would be required under DEQ's Virginia Pollutant Discharge Elimination System (VPDES) Construction General Permit (9VAC25-880-1 *et seq.*)[2]. In the 2022 Environmental Protection Agency (EPA) Fact Sheet for its construction general permit, EPA stated in Part 3.1 of the 2012 permit, that in the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards (which include State antidegradation requirements). Transco is required to have approved Virginia Erosion and Sediment Control (VESC) and Stormwater Management (SWM) plans that meet regulatory requirements to protect water quality. DEQ has determined that compliance with the Standards and

[2] By an order dated April 10, 2017, the Richmond Circuit Court upheld the 2014 Construction General Permit and dismissed an appeal, finding that the Board acted in accordance with law and that there was substantial evidence in the record to support the Board's determination that proper implementation of permit conditions, including inspections and corrective action, would protect water quality.

Specifications approval generally is sufficient to satisfy Tier 2 and Tier 3 antidegradation requirements because the controls will not result in a lowering of water quality, making individualized Tier 2 or Tier 3 review unnecessary.

Virginia water quality standards consist of statements that describe water quality requirements and include: designated uses, water quality criteria, and an antidegradation policy. Virginia has adopted water quality standards to protect existing high-quality waters and to provide for the restoration of all other state waters to permit reasonable public uses and will support the growth of aquatic life.[3]

Virginia's antidegradation policy, outlined in 9VAC25-260-30, protects the quality of surface waters. It ensures that existing uses of water bodies are maintained and protected, and that high quality waters exceeding standards are preserved unless a compelling reason to lower water quality is demonstrated. Aesthetic impacts will be minimized by co-location with the existing right-of-way (ROW) to the extent practicable, and while there will be temporary visual impacts during construction from equipment and control measures, Transco does not anticipate long-term effects on aesthetics from the SSEP. While aesthetics is not a review criterion for compliance with the Virginia Water Protection Permit (VWP) Program Regulation, erosion and stormwater management plans were reviewed and approved in accordance with 9VAC25-875 and the Virginia Stormwater Management Handbook. Several meetings were held with project consultants throughout plan review to ensure proper controls of sedimentation and compliance with these standards. Transco, by performing crossings in compliance with construction procedures, best management practices, and DEQ's permit conditions, will meet the policy and prevent long-term, permanent effects to water quality and uses of Virginia waters. The Virginia Department of Conservation and Recreation (DCR) did not provide any recommendations regarding recreational activities along the SSEP route.

Crossing methods were evaluated by DEQ on the merits of potential permanent and temporary impacts and conditions were developed to address that potential. DEQ reviewed each proposed individual stream and wetland crossing in consideration of the avoidance and minimization documented in the Joint Permit Application (JPA) - including projected installation times, location in already-disturbed utility easements, and restoration of each individual stream and wetland crossing to original condition - and accepted Transco's supporting information and documentation provided in at least two additional information responses with regards to avoidance and minimization of surface water impacts. While proposed

[3] See Va. Code § 62.1-44.15(3a); 9VAC25-260.

for several waters crossings, a trenchless crossing of Cherrystone Creek was determined impracticable by Transco based on deep bore pit installation requirements and/or significant sloping and benching, requiring a larger construction footprint; extensive dewatering that would be necessary; and soil conditions that can lead to ground surface and stream bed subsidence.

Some comments are tied to the prediction of water quality impacts. However, during construction of MVP Mainline, two critical studies were conducted with the express purpose of answering whether pipeline construction impacted water quality.

The first of these studies was a U.S. Geological Survey (USGS) continuous monitoring study that monitored water quality at six stream crossings for the Mountain Valley Pipeline Mainline (natural gas pipeline) project in southwestern Virginia from 2017 to 2025. DEQ, in partnership with scientists from the U.S. Geological Survey (USGS) and Virginia Commonwealth University (VCU), conducted water quality monitoring at a number of proposed Mountain Valley Pipeline stream crossings before, during and after pipeline construction activities. Monitoring included identification of benthic macroinvertebrate and fish community assemblages; quantitative physical habitat assessment; and real-time, continuous water quality monitoring for turbidity, temperature, specific conductance, dissolved oxygen and pH. To establish an inventory of baseline, pre-construction water quality conditions in the streams of interest, monitoring began in the fall of 2017. Scientists also conducted monitoring for turbidity, temperature, specific conductance, dissolved oxygen and pH during and after pipeline construction activities and will conduct additional monitoring for benthic macroinvertebrates, fish and quantitative physical habitat assessment once construction is complete. The water quality monitoring data enabled DEQ to evaluate physical, chemical, and aquatic life conditions over time at the identified project stream crossings.

- The USGS published its findings in report entitled *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity in Southwestern Virginia, 2017-25* (2025 USGS Report)[4].

[4] DEQ, 2025, *Mountain Valley Pipeline Stream Crossing Monitoring Report*; DEQ, 2017, Monitoring Plan: *High-priority stream crossings along the proposed Atlantic Coast (ACP) and Mountain Valley (MVP) pipelines* (https://www.deq.virginia.gov/home/showpublisheddocument/10460/637647225952070000); USEPA, 1999, *Rapid Bioassessment Protocols for Use in Wadeable Streams and Rivers,* Office of Water, EPA/841/B-99/002; USGS, 2025, *Assessment of Natural Gas Pipeline Construction on Stream Temperature and Turbidity on Southwestern Virginia, 2017-25*, (https://www.usgs.gov/publications/assessment-natural-gas-pipeline-construction-stream-temperature-and-turbidity).

The six perennial stream monitoring sites were selected based on factors including the presence of threatened or endangered species, proximity to exceptional state waters (Virginia Tier III waters), high ecological integrity, public water supplies, and suitable water flow (Virginia Administrative Code 9VAC25-260-30). The sites varied in watershed area, elevation, and proximity to the pipeline crossing construction activities.

Researchers placed real-time continuous stream monitoring stations upstream and downstream of each crossing to measure water temperature and turbidity before, during, and after pipeline construction. The "before" period includes all dates from the establishment of the monitoring station up to the day prior to stream crossing construction (2,123 to 2,289 days). The "during" period includes the pipeline stream crossing construction and the immediate post-crossing restoration work (12 to 208 days). The "after" period is at least one-year post-stream crossing construction (366 to 595 days). Continuous water quality data were measured at five-minute intervals for water temperature, specific conductance, pH, dissolved oxygen, and turbidity.

Results showed that the MVP Mainline stream crossing construction did not affect long-term or short-term water temperature conditions at any of the six sites. Similarly, results from the analysis of the high-frequency turbidity data at all six stream crossing sites did not show evidence of long-term, persistent effects from pipeline crossing construction. The upstream-downstream comparative study observed some short-term anomalous water temperature and turbidity conditions but suggested overall water temperature and turbidity regimes over the entire monitoring period remain consistent. This seven-year study found no evidence that pipeline stream crossing construction significantly changed overall water temperature or turbidity conditions at the monitored locations.

The second was a study that DEQ partnered with Virginia Commonwealth University (VCU) to survey fish communities, benthic macroinvertebrates, and both in-stream and riparian zone habitat upstream and downstream of the crossings before construction (Fall 2017 and Spring 2018) and after construction (Spring 2025 and Summer 2025).

- DEQ partnered with Virginia Commonwealth University (VCU) to survey fish communities, benthic macroinvertebrates, and both in-stream and riparian zone habitat upstream and downstream of the crossings before construction

(Fall 2017 and Spring 2018) and after construction (Spring 2025 and Summer 2025)(https://www.deq.virginia.gov/home/showpublisheddocument/32496/639001931736170000). From six stream crossings, twelve sites were selected based on the presence of threatened or endangered species, high ecological integrity, proximity to exceptional state waters, or public water supplies.

In a 2025 report on the survey, VCU's study found no conclusive evidence that pipeline construction activities caused degradation to aquatic communities or habitats at the study sites. Fish community structures at three stream crossings were similar before and after construction, with no evidence that the pipeline altered sensitive fish populations. Macroinvertebrate surveys likewise showed no evidence of aquatic life degradation associated with construction.

- Most sites maintained healthy Virginia Stream Condition Index (VSCI) scores above 60 after construction. Lower scores at one crossing site (Sinking Creek) were attributed to black fly populations present both upstream and downstream, while another site (the Roanoke River downstream site) showed habitat degradation that predated pipeline construction. At three crossing sites (one on Little Stony Creek and two on Bottom Creek), fish community structures were similar before and after construction. Notably, Brook Trout - a species sensitive to environmental changes - remained present or even increased at several sites.
- Using the Rapid Bioassessment Protocol, most sites scored in the optimal range post-construction. Sites that scored lower had similar or worse conditions before construction began. One site (the downstream site on Bottom Creek – Lower Crossing) did show a decline from optimal to fair habitat quality, which was due to natural variability in stream systems. One crossing site (Little Stony Creek) maintained optimal sediment conditions throughout. Some sedimentation was noted at Bottom Creek sites, but this predated pipeline construction and aquatic communities appeared resilient.
    - In Spring 2018, the total habitat score at the downstream site on Bottom Creek – Lower Crossing was 153. In Spring 2025, the total habitat score for this crossing was 146. Habitat scores above 150 indicate habitat conditions favorable for supporting a healthy

aquatic community and are considered optimal. Scores lower than 120 are considered suboptimal (indicating a higher probability of stress) and scores between 120 and 150 are fair (DEQ 2017, USEPA 1999). This decrease in score is within the range of natural variability. Based on the fish community collected at this crossing and its high Virginia Stream Condition Index (VSCI) score of 74.55, the Bottom Creek – Lower Crossing can support a robust aquatic community.

Overall, water quality in Virginia has improved in recent years. As part of DEQ's Water Quality Assessment process, monitoring results are analyzed to determine if the water quality meets set standards and is clean enough for swimming, fishing and other uses. Virginia's comprehensive surface water quality monitoring strategy integrates both fixed-site (i.e., conventional) and probabilistic monitoring techniques to improve understanding of water quality conditions. Results of the most recent Water Quality Assessment, which are published in the Final 2024 305(b)/303(d) Water Quality Assessment Integrated Report, provide a summary of the water quality conditions in Virginia from January 1, 2017, to December 31, 2022. The results in the integrated report demonstrate overall trends in state waters and prompt action, including development of total maximum daily loads for waters that do not meet water quality standards.

Based on DEQ's review, the proposed activities and supporting information are consistent with DEQ requirements for avoidance and minimization of all aquatic resource impacts, including special aquatic sites. The comprehensive, multi-year monitoring and assessment efforts conducted by the USGS/DEQ and VCU/DEQ provide a thorough evaluation of the environmental impacts of the MVP Mainline stream crossings in southwestern Virginia. DEQ has also noted that no areas downstream of the MVP Mainline project have become listed for water quality impairments since that project was completed. Together, these findings suggest that, under the conditions and mitigation measures applied during the construction of the MVP Mainline project, stream crossing activities did not result in measurable long-term degradation of water quality or aquatic ecosystems at the monitored sites.

DEQ will include a condition in the VWP Individual Permit that requires Transco to fund continuous monitoring by the U.S. Geological Survey at specified stream crossings.

See also DEQ's response number 7 (Erosion and Stormwater Management).

Water supply:

Crossings would threaten public drinking water sources, including the Banister River, Sandy River, Cherrystone Creek, and the Dan River. SSEP crossing Cherrystone Creek means disturbing a drinking water source for the channel. Concerns that the drinking water, farms and livelihoods of those along the proposed route could be negatively impacted.

According to the Environmental Assessment (EA) prepared by the Federal Energy Regulatory Commission (FERC) (see pages 16-17), 20 private water supply wells are within 150 feet of the construction workspace for the SSEP. Transco would protect all wells within construction workspace by installing signage and orange safety fencing at a 5-foot offset around the wells. If a water well is damaged as a result of Transco's construction activities, Transco would provide a temporary source of water, repair or replace damaged wells and/or compensate the owner. Transco has provided a water supply well and spring testing plan to monitor any potential effects to wells and springs, including any beyond those identified in the EA.

The Virginia Department of Health (VDH) Office of Drinking Water reviews projects for the potential to impact drinking water sources (groundwater wells, springs, and surface water intakes) serving waterworks. VDH administers the Virginia Waterworks Regulations (12VAC5-590) governing waterworks operation and construction, and has primacy for the National Primary Drinking Water Regulations (40 CFR § 141) and implements the National Secondary Drinking Water Regulations (40 CFR § 143). VDH finds that there are no public groundwater wells within a one-mile radius of the [SSEP] site and that the [SSEP] is not within the watershed of any public surface water intakes. VDH reports that the following surface water intake is located within a 5-mile radius of the SSEP: PWS ID Number 5143114, CHATHAM, TOWN OF CHERRYSTONE CREEK INTAKE. VDH recommends Best Management Practices (BMPs) should be employed, including erosion and sedimentation controls and spill prevention controls and countermeasures on the SSEP site, and that materials be managed while on site and during transport to prevent impacts to nearby surface water. VDH also notes that potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

DEQ staff twice consulted with the Virginia Department of Health (VDH) regarding water supply aspects of the proposed activities. VDH replied that it had no comments. The proposed temporary crossings are not within any water supply reservoir. Water supply intakes in the area include: 1) upstream just west of

Chatham, approximately 6 miles from the closest SSEP line point; 2) the Gretna intake, upstream of the northern SSEP line terminus by approximately 13 miles; 3) the Altavista intake is approximately 25 miles upstream of the northern SSEP line terminus; and 4) the Danville intake approximately 25 miles downstream from the northern SSEP line terminus and approximately 9 miles downstream and east, nearly to the southern SSEP line terminus. These water intakes are part of the County and/or City's water treatment works, meeting rigorous inspections and compliance requirements for treating water for human consumption. If complied with, the VWP Individual Permit provides conditions to minimize impacts to the water column from sedimentation and take all required measures to reduce such sedimentation should it occur.

The SSEP will source any needed water supply from municipalities. The Pittsylvania County Department of Public Works provides water and sewer services to certain areas of the County outside of the City of Danville and outside of the Towns of Chatham, Hurt, and Gretna. Public Works has contracts to purchase bulk water from the City of Danville, the Henry County Public Service Authority, the Town of Chatham, and the Town of Hurt. The other four water systems are served by wells. The 2022 Pittsylvania County Water and Wastewater Master Plan (PDF) provides the County with a comprehensive overview of its water distribution and wastewater collection system and needs and serves as a guide to assist the County with meeting the needs of its citizens on a short-term (5-year), mid-term (10-year), and long-term (20-year) basis. Danville, Chatham, Hurt, and Gretna service their jurisdictions via water intakes, reservoirs, purchased water, or a combination thereof.

5. Violations / Compliance

Concerns that regulatory compliance cannot be properly monitored or enforced and potential for violations will increase, with commenters noting that the MVP pipeline extension follows the same route and will be under construction at the same time as the Transco project, and one commenter expressly stating that DEQ is not properly staffed to monitor or enforce compliance. Concern that effects of climate change, such as flooding and increased sedimentation due to increase in severe weather events and natural disasters have not been considered as part of the Upland 401 Certification. Concerns that Transco and DEQ will not be transparent regarding potential negative impacts to immediate and surrounding areas.

While the potential for future violations is speculative and outside of the scope of criterion reviewed for the Upland 401 Water Quality Certification (Certification), the Certification covers all relevant upland project activities within the route approved by the Federal Energy Regulatory Commission (FERC). The Certification operates in conjunction with other regulatory requirements and these requirements, and the conditions of the Certification, are enforceable and binding on the owner and any successors. Additionally, the terms and conditions of the Certification remain in effect until 180 days after it is determined that all land disturbing activities associated with the construction, operation, maintenance, and repair of the pipeline and related access roads and rights-of-way have achieved final stabilization. Per the Certification, the SSEP and all relevant records are subject to inspection at reasonable hours and intervals by DEQ or any authorized representative of DEQ to determine compliance with this Certification.

In addition, DEQ will include a condition in the VWP Individual Permit that requires Transco to fund continuous monitoring by the U.S. Geological Survey at specified stream crossings.

DEQ records associated with an application, the Certification request, the draft VWP Individual Permit, the tentative Certification, and inspections or compliance matters are available to the public in accordance with the Virginia Freedom of Information Act. In addition, all inspection and/or evaluation reports will be published to a dedicated DEQ webpage for public review.

Below is the Summary of Comments and DEQ responses pertaining to compliance for the draft VWP Individual Permit. See also DEQ's response number 7 (Erosion and Stormwater Management) in the Summary of Comments for the VWP Individual Permit.

Proposed project would result in violations to water quality standards. How will liability be determined if a violation or sediment plume occurs? Without specific analysis of baseline conditions, or monitoring during and post-construction, neither Transco nor the Department can properly quantify the damage from the project's stream crossings and the cumulative impacts of the project. DEQ must consider Transco's history of non-compliance with water quality standards - long history of water quality and other environmental and safety violations during construction and operation of pipelines and other facilities in other states. SSEP will only increase flooding issues. Please require enhanced spill prevention/response planning, well-defined stop-work thresholds, and post-construction water-quality monitoring upstream/downstream of crossings.

Violations incurred by other projects in the Commonwealth do not predict violations of water quality or impacts to water resources, uses, human health, or aquatic wildlife that may occur during the construction of the SSEP. Violations of erosion and sediment control measures do not always equate to actual violations of water quality standards. Many violations can involve administrative requirements or maintenance of controls. Transco's most recent Virginia project, the 2025 Commonwealth Energy Connector (CEC) constructed in Brunswick, Mecklenburg, and Greensville Counties - and received no notices of violation.

DEQ will include a condition in the VWP Individual Permit that requires Transco to reimburse DEQ for the costs of hiring third-party inspectors to provide daily inspection activities along the construction right of way and ensure compliance with permit conditions as well as erosion and control and stormwater measures. This is authorized by Virginia Code § 62.1-44.15:31.F which states that DEQ "*shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, including Standards and Specifications (S&S) review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations.*" Should the SSEP experience outcomes that warrant compliance action, DEQ will take any actions allowable by the State Water Control Law and/or applicable DEQ regulations.

In addition, DEQ will include a condition in the VWP Individual Permit that requires Transco to fund continuous monitoring by the U.S. Geological Survey at specified stream crossings.

See also DEQ's response number 4 (Water quality).

See also DEQ's response number 7 (Erosion and Stormwater Management).

6. DEQ Analyses / Procedures / Mitigation

Comments specifically mentioning the evaluation of upland construction impacts on Virginia's narrative water quality, cumulative impacts to streams and wetlands, and stream crossing methodology.

Prior to the submission of the Joint Permit Application (JPA), several pre-application meetings were held between Transco and Virginia Department of Environmental Quality (DEQ) staff to discuss application requirements and expectations, including requirements of the stormwater management and erosion sediment control plans.

The Upland 401 Water Quality Certification (Certification) request was submitted on June 6, 2025. From that time until the tentative Certification decision was noticed on September 20, 2025, DEQ remained in constant contact with Transco to discuss all facets of the JPA, the request for Certification, and the Certification review process. DEQ requested additional information as needed, and Transco provided information as requested in a timely manner.

Below is the Summary of Comments and DEQ responses pertaining to analyses and procedures for the draft VWP Individual Permit. See also DEQ's response number 7 (Erosion and Stormwater Management) in the Summary of Comments for the VWP Individual Permit.

Transco has arbitrarily dismissed and failed to consider less impactful, trenchless crossing methods. Transco has failed under the VWP regulations to first avoid and then minimize impacts to state waters to the maximum extent practicable in accordance with the 404 Guidelines. Compensatory mitigation requirements set out in the draft permit only address wetland impacts. Stream and wetland impacts are not fully characterized and so cannot be fully evaluated - they are characterized are inaccurately as temporary - the compensatory mitigation plan cannot meet the VWP Permit regulation's requirements. DEQ and Transco have not done a thorough job of analyzing the negative effects the pipeline will have on streams and wetlands. Neither FERC's nor DEQ's analyses have adequately considered the combined impacts from the two projects. Williams Transco has not been required to provide an environmental impact assessment of this project. The environmental record on MVP is pertinent to DEQ's decisions because the conditions proposed in the draft WQC and VWP for SSEP are essentially the same as those required for MVP and DEQ's enforcement approach is expected to be the same.

Based on DEQ's review of the SSEP Joint Permit Application (JPA) package and responses to additional information, in accordance with statutory and regulatory timelines and procedures, conditions were developed for the draft VWP Individual Permit to address water quality protection. The conditions in the draft VWP Individual Permit impose requirements that enhance other DEQ program requirements being applied to the SSEP as well as many other requirements by other state and federal entities, including but not limited to the U.S. Army Corps of Engineers' (USACE) Section 404 permit programs and the Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:24 *et seq*. of the Code of Virginia).

Sections 62.1-44.15:21 and 62.1-44.15:81 of the Code of Virginia do not allow changes to approved siting determinations made by the Federal Energy Regulatory Commission (FERC) or State Corporation Commission (SCC) for any natural gas transmission pipeline that is greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (NGA)(15 U.S.C. § 717f(c)). FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the NGA and the lead federal agency for preparation of the Environmental Assessment (EA), in accordance with the requirements of the National Environmental Policy Act (NEPA) and FERC's implementing regulations. If a proposed action does not fall within a categorical exclusion, FERC must prepare an EA to determine whether the action has the potential to result in significant environmental effects. FERC released its EA for the SSEP on October 31, 2025, which concludes that approval of the SSEP would not constitute a major federal action significantly affecting the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS), including analysis of alternatives, description of the affected environment, and discussion of the environmental consequences, is not required. DEQ expects FERC to issue the subsequent Finding of No Significant Impact (FONSI) in the near future. Under section 7(c) of the NGA, FERC determines whether interstate natural gas transportation facilities are at the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. *FERC may include conditions in licenses and certificates to enhance public safety and to protect the environment*.

DEQ assesses VWP Permit applications for whether the application demonstrates that alternatives were evaluated and that the proposed alternative is demonstrated to be the Least Environmentally Damaging Practicable Alternative (LEDPA) for any given project. Although Virginia Statute § 62.1-44.15:21.J.1 requires that DEQ conduct an individual review only for waterbody crossings with a drainage area greater than 5 square miles (3,200 acres) – a total of six streams for SSEP - DEQ has reviewed each crossing in Transco's JPA (60 wetland crossings; 60 stream crossings; and one pond/open water crossing).

The concept of evaluating a project's total impacts to surface waters is found in Virginia's VWP regulation. Specifically, the regulation includes a definition of single and complete project (9VAC25-210-10). The determination of what constitutes a single and complete project drives the analysis utilized to decide whether compensation for surface water impacts is required. In other words, the need to compensate for surface water impacts is based on the total impacts of a

given project and the regulation defines how the totality of a project is evaluated to ensure surface water impacts are not fragmented and compensation avoided. The VWP regulations specifically define that for linear projects, the single and complete project (*e.g.*, a single and complete crossing) will apply to each crossing of a separate surface water (*e.g.*, a single water body) and to multiple crossings of the same water body at separate and distinct locations.

DEQ staff conducted a review of on-site and off-site alternatives provided in the JPA per the complete application requirements of 9VAC25-210-80.B.1.g. and if applicable, 9VAC25-210-340.B. The JPA provided documentation demonstrating the evaluation of alternatives to the proposed SSEP, including a no-build alternative, no action (no permit), evaluation of alternative energy sources, natural gas transportation alternatives (e.g., rail, truck), system alternatives, pipeline route alternatives, and compressor station alternatives. Two requests for additional information were made by DEQ that included questions to better understand the measures that will be applied to avoid and minimize surface water impacts and which alternative(s) may be the least environmentally damaging and practicable. After having reviewed the professional engineering evaluations and data provided by Transco and its partners, DEQ determined that the JPA meets the requirement of 9VAC25-210-80.B.1.g. in providing an alternatives analysis for the proposed SSEP detailing the specific on-site and off-site measures taken during SSEP design and development to first avoid and then minimize impacts to surface waters to the maximum extent practicable in accordance with the Guidelines for Specification of Disposal Sites for Dredged or Fill Material, 40 CFR Part 230 in terms of impacts to state waters and fish and wildlife resources. The proposed alternative provides the opportunity for more collocation with Transco's existing Mainline System, minimizing the amount of permanent right-of-way required for the SSEP.

VWP permittees are required to first avoid and minimize impacts and then compensate for unavoidable permanent impacts. Transco's analysis demonstrated that avoidance and minimization opportunities have been identified, and measures have been applied to the proposed activity. For unavoidable, permanent conversion-of-functions wetland impacts, Transco is providing compensatory mitigation. DEQ applies a standard 0.5:1 mitigation ratio for permanent conversion of forested (PFO) to scrub-shrub (PSS) and PSS to emergent (PEM). DEQ applies a standard 1:1 ratio for permanent conversion of PFO to PEM. DEQ requires restoration of temporary wetland and stream impacts to pre-construction conditions. Temporary impacts mean impacts to wetlands or other surface waters

that do not cause a permanent alteration of the physical, chemical, or biological properties of surface waters or the permanent alteration or degradation of existing wetland acreage or functions. Temporary impacts include activities in which the impact area is restored to its preconstruction elevations and contours with topsoil from the impact area where practicable, such that previous wetland acreage and functions or surface water functions are restored. The SSEP would incur 1.13 acres (cumulative) of conversion impacts (PFO to PEM, PFO to PSS, and PSS to PEM). Transco proffered *all* permanent conversion impacts to be compensated at a 1:1 ratio, providing more compensation than is typically required by DEQ. Transco also proffered compensatory mitigation for temporal losses of surface waters.

As part of the JPA submission, Transco included search results of the USACE RIBITS database that shows lack of available wetland credits for banks within primary service area, secondary service area, and tertiary service area; therefore, the conceptual mitigation plan for permittee-responsible *Cherrystone Wetland Mitigation Site* was provided. The site is expected to provide 5.28 acres of PFO wetlands (5.28 wetland credits); enhancement of 2.54 acres of PEM wetlands (0.51 acres wetland credits); creation of 5.94 forested buffer (0.59 wetland credits); and creation of 0.31 wetland credits through a recorded easement. During the DEQ Office of Environmental Impact Review solicitation for comments on the FERC Environmental Assessment (EA) issued October 31, 2025, DCR noted that the Biotics database does not indicate natural heritage resources being present at the Cherrystone mitigation site boundary, including a 100-foot buffer, whether due to absence or lack of surveys. In addition, the mitigation site boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

Additionally, Transco voluntarily purchased 360 stream credits from Frog Bottom Mitigation Bank for voluntary compensation for temporal stream loss associated with the SSEP's *temporary* stream impacts. Lastly, Transco will utilize a portion of the expected surplus credit (2.64 credits) developed at the Cherrystone site as voluntary compensatory mitigation for temporal loss of wetlands. Based on public comments, DEQ will include a special condition in the VWP Individual Permit that requires Transco to develop, submit, and implement a Restoration Framework. This framework will include but will not be limited to criteria for successful restoration of temporary impacts, a monitoring schedule to document success criteria, and a corrective action strategy for wetlands and streams that do not meet success criteria.

DEQ determined that the compensatory mitigation already obtained and that which is planned through the proposed permittee-responsible mitigation, and measures to be implemented through the Restoration Framework, are consistent with DEQ statute, Virginia Water Protection Permit Program regulations and policies, and the federal compensatory mitigation regulations.

7. Erosion and Stormwater Management

a. General ESC

Transco's proposal does not comply with Virginia's Erosion and Sediment Control and Stormwater Management laws and regulations, and Transco's ESC Plan does not comply with the VESM Regulations.

Draft permit is premised in large part on Transco's claims that sediment will be controlled, but Transco's proposed erosion and sediment controls are woefully insufficient. There is little reason to believe the controls will be properly and consistently implemented. Transco's analysis must account for the crossing methods, continuous open trench length, instream work durations, site-specific features like steep slopes, and the cumulative impacts of the crossings and other projects. Without specific analysis of baseline conditions, or monitoring during and postconstruction, neither Transco nor the Department can properly quantify the damage from the project's stream crossings and the cumulative impacts of the project. Where MVP crosses Cherrystone, the erosion control methods that you might see on paper, they don't work in real life. The SSEP will cause the same problems of erosion and impact to water supplies we have seen in the areas near where I live in Roanoke, Virginia. Construction on for SSEP & MVP Southgate pipelines is planned along the same route, which could increase the negative impacts of construction on waterways.

As stated in the tentative Upland 401 Water Quality Certification (25-001) for the Transco Southeast Supply Enhancement Project (SSEP), the "*Certification operates in conjunction with other regulatory actions, including: (a) regulations adopted for land disturbing activities pursuant to the Virginia Erosion and Stormwater Management Act (Va. Code § 62.1-44.15:24, et seq.); and (b) all requirements of the Standards and Specifications applicable to the [SSEP] approved by DEQ. These completed regulatory actions remain in full force and effect, and this Certification shall not be interpreted as limiting, modifying, or otherwise relieving the Owner of any conditions imposed pursuant thereto*."

The Virginia component of SSEP is enforced by DEQ under the Virginia Erosion and Stormwater Management Act (VESMA) and the Virginia Erosion and Stormwater Management Regulation (VESMR).

Transco has an approved Standards and Specifications (S&S) agreement for Erosion and Sediment Control (ESC) and Stormwater Management (SWM), dated August 19, 2025, where DEQ acts as the Virginia Erosion and Stormwater Management Program (VESMP) authority, which includes requirements applicable to the entire land disturbing activity during and after construction.

Transco is required to comply with the ESC Best Management Practices (BMPs) provided in the Virginia Stormwater Management Handbook (VSMH, GM24-2001, v1.1), and within Transco's ESC Plans. DEQ approved the ESC Plans for SSEP on September 12, 2025, for conformance with the VESMA and VESMR. DEQ will include a condition that requires Transco to fund continuous monitoring by the U.S. Geological Survey as specified stream crossings.

b. MS-16 (Open trench)

Another destructive practice Transco proposes, and that DEQ would allow, is the extension of the regulatory limit of no more than 500 feet of continuous open trench to three miles. Three miles of open trench would cause severe sedimentation that will overwhelm Transco's proposed controls.

DEQ approval of an MS-16 variance request is not required per Section 5.3.1.16 MS-16: Utility Construction of the VSMH, "*Greater open trench lengths are allowed if the Professional Engineer seals the drawings and provides a written narrative description and graphical depiction of the installation process that explains why a larger open trench length is necessary based upon installation process, pipe material, pipe diameter, and soil and slope characteristics. The purpose is to demonstrate the maximum practicable open trench length per installation spread (i.e., length of a linear utility being installed by one crew). Large projects may have multiple "spreads" under construction at one time*."

However, due to the nature of the project, including size, type, and proximity to other projects, DEQ requested that Transco provide a detailed justification based on the VSMH conditions as part of the ESC Plan Review process. DEQ concurred with an ESC Variance request to Minimum Standard 16(a) (9VAC25-875-560 A 16.a) for SSEP on September 12, 2025, to exceed the requirement for "No more than 500 linear feet of trench may be opened at one time". The justification Transco provided for the variance included:

- Reason for Variance: The SSEP's length, pipe diameter, and required equipment necessitate up to three contiguous miles of open trench to safely and efficiently install the pipeline.
- Construction Sequence Needs: Pipeline construction requires multiple overlapping and sequential activities - clearing/grading, stringing/bending, welding, trenching, backfilling, and restoration - many of which depend on completion of prior tasks.
- Safety Considerations: A longer continuous work area prevents conflicts between crews, reduces work in close proximity, and supports a safe working environment.
- Efficiency Benefits: Allowing extended open trench enables proper sequencing, reduces total construction duration, and accelerates final grading and permanent stabilization.
- Trenching as a Critical Phase: Trenching often drives overall production rates and may occur before or after pipe stringing depending on field conditions, but is always a central, schedule-critical activity.
- Overall Goal: The variance supports safe, efficient, and timely pipeline construction while enhancing the ability to implement stabilization measures sooner.

However, Transco has indicated they will reduce the open trench length from three contiguous miles to one contiguous mile. Transco will submit a revised plan to be incorporated as an enforceable measure subject to DEQ's compliance and enforcement program. Note that DEQ concurrence with the variance request to exceed 500 linear feet does not preclude Transco from meeting all other requirements, and SSEP is still subject to the remaining ESC Minimum Standards.

c. I.B. Construction Crossing Duration

Regarding the "comparatively shorter construction duration" for open-cut crossings, Transco indicates in the Virginia portion of the Joint Permit Application that dry, opencut stream crossings can be completed within 24 to 48 hours. Transco also identified several crossings, however, that will take more than 48 hours, including, among others, one crossing with an anticipated duration of 168 hours - an entire week in which the stream would be dewatered.

9VAC25-875-520.C requires all management of dewatering activities to use appropriate controls. Also, Transco is required to comply with the ESC Minimum Standard 12, when working in a live watercourse, "precautions will be taken to minimize encroachment, control sediment transport, and stabilize the work area to the greatest extent possible

during construction." ESC BMPs for constructing within a watercourse for extended periods of time, such as C-ENV-04 Utility Stream Crossing, are provided in VSMH v1.1 and within Transco's ESC Plans.

Transco provided justification regarding crossings that are proposed to exceed 24-48 hours in Table 5.1 of the JPA and in the additional information provided on August 6, 2025.

d. Violations of water quality standards

Transco's pipeline will cause or contribute to violations of Virginia's water quality standards and water quality criteria, and Virginia's antidegradation requirements. Construction, operation, and maintenance of these pipeline crossings will degrade water quality in these streams and wetlands, and will detrimentally impact the health of numerous watersheds in Pittsylvania County. Substances that must be controlled include those that produce "turbidity . . . or settle to form sludge deposits." Evaluation is needed to determine if instream construction would cause violations of Virginia's narrative water quality criteria.

Violations incurred by other projects in the Commonwealth do not predict violations of water quality or impacts to water resources, uses, human health, or aquatic wildlife that may occur during the construction of the SSEP. Violations of erosion and sediment control measures do not always equate to actual violations of water quality standards. Many violations can involve administrative requirements or maintenance of controls.

The Virginia component of SSEP is enforced by DEQ under the Virginia Erosion and Stormwater Management Act (VESMA) and the Virginia Erosion and Stormwater Management Regulation (VESMR).

In Virginia, the Standards and Specifications (S&S) program imposes the same technical and engineering requirements that would be required under DEQ's Virginia Pollutant Discharge Elimination System (VPDES) Construction General Permit (9VAC25-880-1 *et seq.*)[5]. In the 2022 Environmental Protection Agency (EPA) Fact Sheet for its construction general permit, EPA stated in Part 3.1 of the 2012 permit, that in the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards (which include State antidegradation requirements). Transco is required to have approved Virginia Erosion and Sediment Control (VESC) and Stormwater

[5] By an order dated April 10, 2017, the Richmond Circuit Court upheld the 2014 Construction General Permit and dismissed an appeal, finding that the Board acted in accordance with law and that there was substantial evidence in the record to support the Board's determination that proper implementation of permit conditions, including inspections and corrective action, would protect water quality.

Management (SWM) plans that meet regulatory requirements to protect water quality. DEQ has determined that compliance with the Standards and Specifications approval generally is sufficient to satisfy Tier 2 and Tier 3 antidegradation requirements because the controls will not result in a lowering of water quality, making individualized Tier 2 or Tier 3 review unnecessary.

Transco has an approved Standards and Specifications (S&S) agreement for Erosion and Sediment Control (ESC) and Stormwater Management (SWM), dated August 19, 2025, where DEQ acts as the Virginia Erosion and Stormwater Management Program (VESMP) authority, which includes requirements applicable to the entire land disturbing activity during and after construction. These requirements include, but are not limited to, the control of water quantity and water quality during and after construction. Transco must meet the ESC Minimum Standards (9VAC25-875-560) and maintain the Stormwater Pollution Prevention Plan (SWPPP) on site. See section J.11 of the S&S agreement for more information on ESC and SWPPP requirements.

Transco is also required to comply with the ESC BMPs provided in the Virginia Stormwater Management Handbook (VSMH, GM24-2001, v1.1) and within Transco's ESC Plans. DEQ approved the ESC Plans for SSEP on September 12, 2025, for conformance with the VESMA and VESMR.

e. Turbidity and sedimentation

Sedimentation from Transco's open cut crossings and upland activities will harm water quality and aquatic life. Downstream increases in turbidity and suspended sediment, downstream deposition of sediment, sedimentation from disturbance of stream banks, temperature increases, and increase in stormwater runoff due to change in runoff from upslope areas. DEQ cannot issue either the draft VWP permit or the tentative upland certification without assessing whether Transco's project would comply with the general criteria - including the prohibition on objectionable turbidity - in the light of the narrative criterion. Transco's proposal will deposit massive quantities of sediment into state waters, harming aquatic life in violation of state law. How will liability be determined if violation or sediment plume occurs? What does enforcement even look like at that point from the DEQ perspective? Pollutants from sedimentation could harm aquatic life or interfere with the recreational and aesthetic uses of waterways. Sediment from construction, dry-ditch, open-cut methods will pollute drinking water and harm habitats.

Transco must comply with the ESC Minimum Standards (9VAC25-875-560) and maintain the Stormwater Pollution Prevention Plan (SWPPP) on site. Specifically for Minimum

Standard 19, "*Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion, and damage due to increases in volume, velocity, and peak flow rate of stormwater runoff…*" (9VAC25-875-560.A .19). See section J.11 of the S&S agreement for more information on ESC and SWPPP requirements.

To the extent there are any differences in the sedimentation or turbidity requirements imposed by any authorities, SSEP must comply with the most stringent or protective requirement, which includes addressing local water quality impairments for sediment or applicable TMDLs.

f. Restoration

Transco's plans for stream restoration do not appear to include any details on stream substrate or streambed contours as a part of restoration, as well as "a method for assessing actual ecological and physical impacts following construction.

In addition to the Environmental Inspectors and Transco's representatives, Virginia DEQ staff will review SSEP's post-construction and restoration activities to inspect for compliance with the DEQ-approved SWM plan and S&S requirements. The restoration plan is detailed in the SSEP SWM plan. Additionally, DEQ will include a special condition in the VWP Individual Permit that requires Transco to develop, submit and implement a Restoration Framework. This framework will include but will not be limited to criteria for successful restoration of temporary impacts, a monitoring schedule to document success criteria, and a corrective action strategy for wetlands and streams that do not meet success criteria.

g. Flooding

Rain comes heavier and harder these days and some businesses have had to relocate due to an increase in repeated flooding. SSEP will only increase flooding issues. The draft permits do not account for impacts from extreme precipitation events due to ever-increasing climate change.

Transco must comply with the SWM flood protection requirements of the VESMR, which includes ensuring that the SSEP does not cause or contribute to flooding conditions. DEQ approved the SWM Plans for SSEP on September 12, 2025, for conformance with the VESMA and VESMR.

h. Cumulative impacts

Two sets of stream crossings, two sets of right-of-way disturbances, two proposed pipelines and two sets of construction equipment and teams in the same areas could lead to much a higher level of sediment and an increased risk of hazardous material

spills in our waterbodies. Moreover, if an environmental violation occurs (such as a sediment plume or chemical spill), it could be difficult for VA DEQ inspectors to determine which project is responsible and it would be all too easy for one project to point the finger at the other.

Transco has developed ESC plans in compliance with the VESMA and the VESMR. Transco is required to comply with applicable laws, regulations, and permit conditions established by Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers (USACE), and DEQ. As defined by the FERC Plan and Procedures, at least one Environmental Inspector is required for each construction spread during both construction and restoration phases. These inspectors will ensure adherence to permit stipulations throughout SSEP's implementation. They possess the authority to halt activities that violate environmental conditions outlined in the FERC's certificate order, stipulations of other environmental permits or approvals (such as Virginia's VWP and Upland 401 authorizations), or landowner easement agreements, and to mandate appropriate corrective actions. Environmental inspectors will be on-site daily, monitoring active construction for the installation of both pipelines, and inspections will occur in accordance with the timeframe required by each permit. If an environmental violation occurs, the responsible party will be identified at the time of the violation by DEQ.

8. Comments Submitted that Are Outside the Scope of the Proposed DEQ Actions and Regulatory Authorities

DEQ devoted considerable effort to provide clarification of the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). A significant number of comments and documents or studies were received related to issues being regulated by other DEQ regulatory programs or by external agencies or programs. These comments were primarily focused on the SSEP land disturbance involving erosion and sediment control and stormwater.

a. Tribal Consultation

The project area affects Indigenous cultural landscapes. Please require meaningful tribal consultation and consideration of cultural resources.

The Virginia General Assembly passed Virginia House of Representatives Bill 1157 during the 2024 General Assembly session. This bill requires DEQ to engage in consultation with Tribal Nations during the five specifically enumerated reviews below:

1. Environmental Impact Reports for major state projects (§ 10.1-1186.3:1 and § 10.1-1188);

2. State Corporation Commission project reports (§ 56-46.1 and 20VAC5-302-25);

3. Environmental impact assessments for oil or gas well drilling operations in Tidewater Virginia (9VAC15-20);

4. Federal Consistency Determinations (§ 307 of the federal Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 *et seq*.)); and

5. Groundwater Withdrawal Permits (§ 62.1-266).

DEQ is processing Transco's application for a draft Virginia Water Protection (VWP) Individual Permit and request for a tentative Certification for the Southeast Supply Enhancement Project (SSEP), which is not one of the five reviews where tribal consultation is required by law.

Transco began coordination with numerous federally and Virginia state recognized Native American tribes in January 2024. On October 31, 2025, an Environmental Assessment (EA) for the SSEP was issued by the Federal Energy Regulatory Commission (FERC), noting that in cases where letters sent to tribes were not successfully delivered, "*Transco made subsequent telephone calls or sent emails to the tribes … to further confirm contact information*." In the document, FERC stated that as of the date of the EA's issuance, four tribal organizations had responded to these outreach efforts:

- The Poarch Band of Creek Indians requested SSEP information or report findings at select facilities in Georgia and Alabama.
- The Eastern Shawnee Tribe of Oklahoma and the Catawba Indian Nation responded stating that the SSEP poses no adverse effect or endangerment to known sites of interest but requested to be notified if sites are inadvertently identified or human remains are encountered during excavation activities.
- The Alabama-Coushatta Tribe of Texas requested to be kept informed as the SSEP develops further.

In the event that unanticipated cultural resources are found during construction, Transco will follow its Unanticipated Discovery Plan for Cultural Resources and Human Remains. Additionally, Transco's Joint Permit Application (JPA) for the SSEP stated that Transco initiated Section 106 consultation for the SSEP in Virginia directly with the Virginia

Department of Historic Resources (DHR), acting as the Virginia State Historic Preservation Office (SHPO).

b. Safety

Williams Company has a horrible safety record, the worst safety record per incident out of most major pipeline companies according to the Pipeline Safety Trust. Elected officials entrusted with protecting the health and safety of our Virginia communities respectfully request denial of these permits until a cumulative analysis has occurred.

Interstate natural gas pipeline facilities are designed, constructed, operated, and maintained in accordance with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) Standard 49, Code of Federal Regulations (CFR) Part 192 (49 CFR Part 192). PHMSA recognizes pipeline systems as the safest means to transport natural gas because they are stationary and underground, reducing risk from hazards such as traffic accidents, weather events, and human error. Pipelines are also subject to rigorous federal safety regulations, including regular inspections, leak detection systems, and integrity management programs. These measures help to prevent, contain, and limit the potential impact of incidents.

Consideration of reported status with the Pipeline Safety Trust is not within the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). It should be noted that Transco will install pipeline with thickness in accordance with the U.S. Department of Transportation's pipeline safety regulations.

Additionally, based on publicly available information[6], DEQ finds data that supports an overall reduction in safety incidents for gas transmission lines in Virginia.

c. Economics

Commenters questioned the necessity or justification for the pipeline Project including discussions of economic and energy production impact. There's no direct benefit to those most directly impacted. SSEP does not serve the Pittsylvania community and it is not needed for the Berry Hill Mega Site. SSEP is an extensive investment in an outdated energy system that will leave us with stranded assets.

These comments regarding broader issues involving the proposed pipeline regarding the necessity, justification, or impact related to the economy and energy production are acknowledged. Consideration of these issues, however, is not within the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification).

[6] Virginia State Corporation Commission-Pipeline Safety Trust and United States Department of Transportation-Pipeline and Hazardous Materials Safety Administration

Such issues or information may be relevant or considered in other regulatory actions including the Federal Energy Regulatory Commission's review process and decision development for issuance of a Certificate of Public Convenience and Necessity.

The Berry Hill Mega Site in Pittsylvania County was authorized by multiple DEQ programs under a separate application and review process, following established statutory and regulatory procedures.

d. Air quality / climate change

Several comments discussed or identified concerns regarding the pipeline project impact on air emissions; impacts related to climate change and increased production or use of natural gas in lieu of green energy production options such as solar or wind power. The projects pose significant risks to the communities faced with additional, massive methane-emitting gas transmission lines which pollute local air and water. SSEP would add new fossil fuel infrastructure at a time when scientists and global leaders agree we must phase out fossil fuels - this pipeline represents a dangerous step backward in Virginia's effort to confront the climate crisis. SSEP's route endangers ecosystems that are already stressed by rising temperatures and altered rainfall. Approving a massive new methane pipeline undermines Virginia's commitments to reduce greenhouse gas emissions and transition toward clean energy.

Consideration of these issues regarding air emissions, climate change, and use of natural gas in lieu of solar or wind power are not within the scope of the draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification). However, it should be noted that other regulatory authorities exist to address such issues. Additionally, issues related to energy production and alternatives including other energy production technology may be relevant or considered in other regulatory reviews for the SSEP including the Federal Energy Regulatory Commission's review process and decision development for issuance of a Certificate of Public Convenience and Necessity.

e. Projects in other states

Commenters identified permitting, certification, or compliance actions taken by other states regarding pipeline projects. Concerns regarding Transco's previous construction violations, with two comments addressing violations in North Carolina and Alabama.

The draft VWP Individual Permit and tentative Upland 401 Water Quality Certification (Certification) actions are governed by applicable laws, regulations, and guidance in the Commonwealth of Virginia. The draft VWP Individual Permit contains additional conditions

to support the finding that the activity will comply with water quality requirements. DEQ's basis of decision for the tentative Certification is not inconsistent with that of the issuance of the Upland 401 Water Quality Certification by North Carolina on November 13, 2025.

Additionally, non-compliance or other events related to different pipeline projects cannot be presumed or ascribed to the SSEP and if approved, compliance with the conditions of the final VWP Individual Permit and final Upland 401 Water Quality Certification (Certification) will be addressed through DEQ's authority, oversight, and enforcement process.

f. Project support

Comments were received in support of the pipeline including comments regarding the existing, long-term use of natural gas in the community; opportunity for continued economic development, manufacturing and job creation; state and local government approvals for additional gas capacity; use of cleaner fuel options to meet energy needs; Transco's engagement with stakeholders and experts during the planning process and making appropriate modifications to develop the most responsible project route; and thoroughness of FERC's evaluation of the project.

A number of comments were received related to support of the proposed pipeline and DEQ's pending actions for the SSEP. These comments of support are included with the proposed action records.